

Frank E. Briggs, to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts.

Stanley B. Dearborn, to be postmaster at Wakefield, in the county of Middlesex and State of Massachusetts.

NEBRASKA.

B. W. McLucas, to be postmaster at Fairbury, in the county of Jefferson and State of Nebraska.

PENNSYLVANIA.

Ada U. Ashcom, to be postmaster at Ligonier, in the county of Westmoreland and State of Pennsylvania.

William W. D. Yerkes, to be postmaster at Ogontz, in the county of Montgomery and State of Pennsylvania.

Harold C. Carpenter, to be postmaster at Troy, in the county of Bradford and State of Pennsylvania.

William W. Scott, to be postmaster at Sewickley, in the county of Allegheny and State of Pennsylvania.

TEXAS.

Joseph M. Gurley, to be postmaster at Greenville, in the county of Hunt and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 13, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

AMERICAN REGISTER TO STEAMSHIP BEAUMONT.

Mr. LITTLEFIELD. Mr. Speaker, I ask leave until Monday to file minority views upon the bill (H. R. 16734) granting an American register to the foreign-built steamship *Beaumont*.

The SPEAKER. Is there objection to the request of the gentleman from Maine [Mr. LITTLEFIELD]? The Chair hears none, and leave is granted.

REGULATION OF INTERSTATE AND FOREIGN COMMERCE.

Mr. DALZELL. I submit a privileged report, which I send to the desk, from the Committee on Rules.

The report was read, as follows:

The Committee on Rules, to whom was referred the resolution providing for consideration of the bill S. 7053, have had the same under consideration, and herewith report the following in lieu thereof:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to debate for a period not exceeding one hour the bill (S. 7053) to further regulate commerce with foreign nations and among the States, with the amendments thereto recommended by the Committee on Interstate and Foreign Commerce, as set forth in their report (No. 3765) on the said bill; and at the end of the debate a vote shall be taken on the said amendments and on the bill to its final passage, without intervening motion.

Mr. DALZELL. I ask for the previous question on the adoption of this resolution.

The previous question was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is recognized for twenty minutes.

Mr. DALZELL. Mr. Speaker, I do not propose at this time to occupy the attention of the House at any length. The House is familiar with the provisions of the bill known as the Elkins bill—a bill which originated in the Senate, which passed that body, and has been favorably reported, with several amendments, by the Committee on Interstate and Foreign Commerce of this House. The purpose of this rule is to bring before the House for immediate consideration that bill, with the amendments recommended by the committee.

Inasmuch as this is merely one phase of the antitrust legislation that has been so thoroughly debated, it was not thought advisable or necessary that there should be any protracted debate at this late day of the session, and therefore the limit of debate has been fixed at one hour, at the end of which time a vote is to be taken upon the amendments recommended by the committee and upon the passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, by the presentation of this rule the House is brought to the question whether the rule shall be adopted without protest, that is, whether we shall consent that this rule shall pass without objection. It ties the hands of every member so that we can not offer any kind of amendment to modify or add to the bill in any shape or fashion. I do not believe that we ought to be confronted with such a rule at this time. The effect of the rule will be to bring us, after one hour's debate, to a vote upon the bill presented by the committee, with such amendments as that committee, or a majority of the committee, shall offer, without any opportunity to offer other amendments.

Now, I assert that there is no such emergency in this House as to require a rule of this kind. I take it that we shall all vote for this bill. For myself, at any rate, I am prepared to say that I shall vote for it. But, while that is true, I do not think there

ought to be denied to us the right to propose amendments in order to make the bill more effectual for the suppression of the great evil in this country that we are all crying out against.

Mr. Speaker, I do not know that we can vote down this rule; but if we could vote it down, we might so amend it as to permit a fair consideration of the measure, with the privilege to members on both sides of the Chamber to offer such amendments as they may deem necessary, and which are shown to be necessary by the conditions existing in the country.

Mr. Speaker, I shall ask this side of the House to join with me in the effort to vote down the rule in order that we may amend the bill—in order that amendments may be permitted to be offered. As I have said, we can not have that opportunity under the rule as now framed, which absolutely prevents anyone from offering a motion to recommit the measure in order that there may be tendered from this side of the House, or from the other side, a better bill than the one now pending.

For these reasons, I think the rule should be voted down. I yield ten minutes of my time to my colleague on the Committee, the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I agree with what my colleague, the gentleman from Tennessee [Mr. RICHARDSON], has said in reference to his position on this bill and the rule provided for its consideration. I am in favor of the Elkins bill. That bill provides for the punishment of railroad or other transportation companies that give rebates to certain corporations. I believe that the granting of such rebates by our great transportation companies is one means of fostering the trusts, and therefore I favor the Elkins bill as far as it goes, but it does not go far enough.

Mr. COCHRAN rose.

The SPEAKER. Does the gentleman from Alabama [Mr. UNDERWOOD] yield to the gentleman from Missouri [Mr. COCHRAN]?

Mr. UNDERWOOD. If the gentleman wishes to ask a question, I will yield.

Mr. COCHRAN. This bill, among other things, provides that imprisonment, wherever now prescribed as part of the penalty for violation of the existing laws on this subject, shall be abolished. Now, I want to inquire of the gentleman whether he approves of that feature of the bill?

Mr. UNDERWOOD. I do not.

Mr. COCHRAN. That, in my judgment, is the salient and the all-important feature of the measure.

Mr. UNDERWOOD. It is of course an important feature, and that is the reason I am opposed to this rule. But I believe that the bill as a whole is better than no bill at all. I believe it will to some extent benefit the people of this country if this Elkins bill should be passed. But I say that the bill not only does not go far enough, but that the amendments offered to the bill in this House weaken its effect, and the result is that as it comes before the House it is not as good a bill as when it came from the Senate. But we are helpless. The ingenuity of man could not conceive a more drastic rule than the one that is presented to this House to-day. It is impossible for us as individual members on the floor of this House, or for this side of the House as a party, to offer an amendment, to offer a motion to recommit, or to change a word or a syllable of this bill. If this rule is adopted, we are required to accept this bill as it is handed to us by the Republican members of the Interstate and Foreign Commerce Committee or vote it down entirely.

Now, I say that we should endeavor to attempt to defeat the rule, but if we fail in that regard, if we are unable to defeat this rule, if we are forced to vote for this bill as it is in order to advance this legislation, then I say it is wise for us to accept what we can get, and for this reason: We are not charged with the responsibility of legislation on this question before the country. The Republican party and the Republican members of the Interstate and Foreign Commerce Committee in this instance bear that responsibility. Not only that, they have said to the country, by bringing in this rule and adopting it, if they do, that they absolve us not only of any duty or any responsibility in this matter, but absolve us of any ability to help ourselves or help the country. They come here and tie our hands, shackle us, and then say that this is all the legislation they will give. Now, under those circumstances they bearing the responsibility, they bringing in these rules in reference to trust legislation, where we can not offer as amendments or through a motion to recommit propositions that we believe would be of benefit to the country in wiping out the trusts and benefiting the people, I say, then, let the responsibility rest with them.

Let them go to the country, and if the legislation which they propose at this session of Congress, if the legislation which they pass through this House, is not effective in bringing about the results that the people of the United States demand then they can not charge any responsibility for its failure to this side of the

Chamber. They have prevented us from offering any relief; they have taken the entire responsibility, and when they go before the people in the next Presidential election they can not say that we have hampered them in their legislation. We have taken the position that they should have free hands to work. We agree with what the Republican party says ought to be done. Their President and their committees on the floor of this House say that the great trusts of this country should be regulated. We agree to that proposition. You say you know how to regulate them. We say your remedy is not effective, but knowing that your remedy is not effective, and yet believing that it may aid to some extent in the attempt to regulate the trusts, we are willing to give you free hands, and never by our votes or our actions have we hampered your legislation in this matter. If you fail, the failure must be charged to you and to you alone. If you succeed, then we have endeavored to help you toward success. But if this does not produce the effect that you say it will produce by the time of the next Presidential election, then you must take the entire responsibility before the country of that failure, knowing that you have stood here with absolutely free hands to enact any legislation that you might see fit.

Now, you come here with a bill to-day and you propose to regulate the trusts by not allowing the great transportation companies of the country to grant them rebates. So far, so good. Why do you not want them to grant rebates to the trusts? Because you say by that means they have built up and fostered the trusts of this country. Why not go a step further? It is well known to you that many of the great trusts of this country are fed on the protective tariff rates, that many of the great trusts of this country sell their goods in foreign countries for less than they receive at home for the same goods. Many of the great trusts of this country would not exist to-day if it had not been for the tariff law, which protects them against foreign competition and turns thousands of dollars into their treasuries.

Now, if you are willing to regulate the trusts, to diminish their profit, to give some chance to the toiling masses of the people of this country by not allowing these trusts to receive rebates from the great transportation companies of the country, why are you not willing to allow us to offer an amendment or amendments to this bill by which we could cut off the tariff duties that are placed on trust-made goods? Is it because your constituencies do not want it? If I read the history of the times correctly, it seems to me that at a not far distant day in the past I have heard a clamor from the constituencies on that side of the House as well as on this side of the House, to cut down the tariff rates that to-day protect the great trusts of the United States. Why are you not willing to do so? Why do you force us here to a vote on this bill without an opportunity to offer such an amendment to the country, if you earnestly desire to regulate the trusts and prevent the great amassing of capital in their treasury? It would be only necessary to allow a simple amendment. If it is proper to take from their earnings by cutting off their rebates, why is it not just as proper to take from their earnings by requiring them to sell to the citizens of the United States their products at the same price and at the same rate they sell them to foreign citizens and countries beyond the sea?

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time did the gentleman from Alabama consume?

The SPEAKER. The gentleman from Alabama consumed the ten minutes which were granted to him. The gentleman from Tennessee has seven minutes remaining.

Mr. DALZELL. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, the discussion of the rule by the gentleman from Alabama [Mr. UNDERWOOD] is to my mind the best indication I have ever heard of the wisdom of the Committee on Rules in bringing it in. What the country wants now is legislation on the lines of this bill.

No one claims that this legislation is going to be perfect; but it is a step in the direction of the regulation of these great corporations, a step that the country expects the Congress to take and that the Congress is ready to take. The discussion of the tariff, Mr. Speaker, that is suggested by the gentleman from Alabama [Mr. UNDERWOOD] has been had on other measures and is certainly not necessary at this time. We are in the closing hours of the session. We have on this side the responsibility of legislation, and I am glad, for one, that the Committee on Rules has brought in a rule that will enable this House to vote at once on a measure which has been before the members for weeks, which has passed one body, which has been considered by one of the strongest committees of the House and is presented to us in such manner that the House, in my judgment, should take it as presented by the committee and close at least this step in the discussion of the regulation of these great corporations. Let us do something and not merely talk about it.

Mr. LITTLEFIELD. Mr. Speaker, will the gentleman yield a moment to me?

Mr. DALZELL. Are you going to speak for the rule or against it?

Mr. LITTLEFIELD. I am going to make an inquiry of the committee in reference to a suggested amendment to this bill.

Mr. DALZELL. I can not yield to the gentleman for that purpose. I trust the gentleman on the other side will use the balance of his time now.

Mr. RICHARDSON of Tennessee. Does the gentleman propose to close the debate in one speech?

Mr. DALZELL. I propose to say a few words only and leave to my colleague on the committee the closing of the debate.

Mr. RICHARDSON of Tennessee. If the gentleman is going to have two speeches, he ought to use a little more of his time now.

Mr. DALZELL. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from Pennsylvania has sixteen minutes remaining.

Mr. DALZELL. I yield to the gentleman from Illinois [Mr. CANNON] five minutes, or as much as he desires.

Mr. CANNON. Mr. Speaker, I do not want five minutes. I think I can say all I desire in two.

This is the 13th day of February. This Congress expires on the 4th of March. The supply bills substantially have not been enacted. Some of them, and the most difficult, are not yet through the House. The Republican party is in power in the House and the Senate. The House, the large body, the popular body, does business when a majority of its members so desire. I do not speak in criticism of what takes place in another place, but it is legitimate for me to say that the business of another body is done by unanimous consent. There is a public sentiment in the country, and in my judgment a just and wise public sentiment, that desires legislation upon certain matters. This bill, with the amendments upon which this rule will operate, is one of them.

In my own judgment, if legislation can be enacted and enforced by apt provision, accompanied by apt appropriation, that will dissolve a real or alleged, and in my judgment a real, copartnership in many instances between the great shippers and the common carriers, so that each citizen engaged in interstate commerce, letting the unit rest upon the carload, can get the same rates that a man does who is a larger shipper, I believe that would be the great thing to do, and if that legislation is had and can be enforced, I believe it will be more powerful to solve the abuses of which we complain, and of which the country complains, than any other. [Applause on the Republican side.]

This bill goes a long way, as I believe, in that direction. We can get this legislation. In the other body, where it is by unanimous consent, I am not so sure how far we can go. Let us clinch this, and then if we can go further and get something that is desirable we have that opportunity. Take that and render sure what we can get and clinch it, and then move on to further conquests, if something further is desirable. [Applause on the Republican side.]

Mr. LITTLEFIELD. Mr. Speaker, I should like to make an inquiry of the gentleman from Illinois just for a moment.

Mr. CANNON. I have not much time.

The SPEAKER. The gentleman from Illinois has half a minute remaining.

Mr. LITTLEFIELD. Then I should like to inquire of the gentleman from Illinois whether the committee having the bill in charge would agree to unanimous consent, in case the rule is adopted, to strike out the word "willful" in the second line? The bill now provides that "willful" failure upon the part of a common carrier subject to the act to file and publish the tariff of rates and charges, and the "willful" failure to strictly observe, etc.—

Mr. CANNON. I have only half a minute.

Mr. DALZELL. If this is coming out of my time, I object.

The SPEAKER. It is coming out of the half minute of the gentleman from Illinois.

Mr. CANNON. Now, in reply to the gentleman—

Mr. LITTLEFIELD. Let me finish my question, please.

The SPEAKER. The time of the gentleman from Illinois has expired. [Laughter.]

Mr. CANNON. I can not even answer the gentleman's question. My time has expired.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Maine one minute to continue his inquiry of the gentleman from Illinois.

Mr. LITTLEFIELD. I will continue it, then, in the time of the gentleman from Tennessee, if I can not be allowed to do so in the time of the gentleman from Pennsylvania. I will say the gentleman whose name this bill bears in another body stated that the word "willful" ought to be stricken out of this bill, and ought not to be in it. Now, I want to perfect the bill, if it is

going to pass, and I simply ask the committee if they will, in accordance with the suggestion of the distinguished gentleman, by unanimous consent, strike out the word "willful;" that is, if they fail to do the thing required of them to do by publishing the list of rates and filing them that the Government will not be compelled to show that the failure was "willful."

Mr. CANNON. Well, does my friend desire me to answer the question?

Mr. LITTLEFIELD. Yes.

Mr. CANNON. Now, then, the distinguished Senator the gentleman refers to in another body can voice his views—a very considerable Senator, but I have never heard of him as a great lawyer. I say again—

Mr. RICHARDSON of Tennessee. I did not yield to the gentleman from Illinois. I only yielded a minute.

Mr. CANNON. Well, then, I hope—

Mr. RICHARDSON of Tennessee. I yielded a minute for an answer. [Laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I hope the gentleman will use the balance of his time.

Mr. RICHARDSON of Tennessee. I suppose the gentleman has only one speech in closing.

Mr. DALZELL. I want to say a few words, and yield to my colleague on the committee.

Mr. RICHARDSON of Tennessee. I think the rule is that the gentleman ought to conclude in one speech and not two.

The SPEAKER. There is no rule on the subject.

Mr. RICHARDSON of Tennessee. This is the custom.

Mr. DALZELL. I trust the gentleman will not be technical.

Mr. RICHARDSON of Tennessee. I am not technical, but it is not usual to close with two speeches. The gentleman understands that. It is only fair play that he should have the speech in closing, and that ought to be the last.

Mr. DALZELL. I must insist on the gentleman going on. I have the right to conclude after that whether in one speech or in two.

Mr. RICHARDSON of Tennessee. I have six minutes. I yield five minutes to the gentleman from Missouri.

Mr. DE ARMOND. I would like to hope, Mr. Speaker, that there could be found in this House, upon the other side of it, enough of gentlemen, fair minded and sincere, to defeat the adoption of this rule. There is no danger in the world that this measure may fail of consideration. There is no question of consideration at this time; the question is how it should be considered. There is no question about the passage of the measure; the question is whether it should be passed with amendment, if amendment ought to be made, or whether the opportunity for amendment shall be denied. A few days ago this House passed, by unanimous vote, another bill upon the same subject, and the minority of this committee has recommended that some of the provisions of that bill be attached to this bill. Now, why ought there not to be opportunity to do it if the House sees proper to do it? It will not do to say that to amend this bill will be to delay or defeat its passage, because the committee recommend amendments, and presumably they will be adopted. Everybody knows, although we have been informed by the gentleman from Illinois that the 13th day of February is here, that there will be found abundant time in which to do a great many things between this 13th day of February and the 4th day of March, a considerable portion of which ought not to be done.

Now, what good reason is there, if gentlemen desire to deal fairly, frankly, and honestly with this question, to deny all opportunity for amendment?

I will be glad to hear somebody state one. Gentlemen say that the country is demanding legislation; and some of them perhaps might be understood, from what they say, as asserting that the country is demanding this legislation. I deny that; and there is no evidence in the world that it is true. The country is not demanding this legislation. This legislation will bring about no good that the people were promised, and because it is to be no good is the reason why some are urging it. [Applause on the Democratic side.]

What is there in this bill that is calculated to add to the value of the law already on the statute books? The great object of this bill is to repeal remedial legislation. It is not adding to it a particle by its provisions about rebates. The provision against rebates and discriminations is weak and puerile as compared with the provisions of the interstate-commerce law as now existing. The provisions of this bill take away a part of the penalties to be enforced and imposed for the violation of that law—the imprisonment. That is made plain and distinct. There never was a better instance in the world, there will not be one furnished in long years, of the deliberate, premeditated attempt to bunco the people of the country than this effort to pass through with hot haste this bill. Gentlemen know that the bill can not bear con-

sideration in the light, with an opportunity to amend. Gentlemen could not oppose and would not oppose or reject these amendments if they were brought to a vote. It would be a stultification for everyone who voted for these propositions on the bill which passed the House a little while ago; and can you afford to deny this House an opportunity to consider any of them, so that they may be attached to this bill?

Who can doubt the purpose, who can be in error as to the animus of this kind of legislation? It is a mere demagogue's play. I do not use the word from choice. I do not select it to be offensive, but I know of no other that will properly designate or characterize the attempt at stifling legislation instead of legislating. The gentleman from Illinois has suggested that the reputed author of this bill—I say reputed author—is not esteemed as a great lawyer. Yet he is esteemed as great in some other things, and those things are to find their vindication in this process of legislating without consideration. [Applause on the Democratic side.]

Mr. DALZELL. Does that exhaust the time on the other side, Mr. Speaker?

The SPEAKER. The gentleman from Tennessee has one minute remaining.

Mr. DALZELL. How much time have I?

The SPEAKER. The gentleman has eleven minutes.

Mr. DALZELL. I yield three minutes to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, those members of the House who undertook in a straightforward way to reach some conclusion by way of legislation upon this problem sought to accomplish three things, and when I say three things I mean that all who pursued the study in a careful manner followed that same channel of thought. The first of these propositions was a measure to expedite cases now pending in order that we might have the judgment of the Supreme Court upon some of these problems. That bill has passed and I think it is now a law. The second proposition was some measure of publicity through which great corporations might be compelled to disclose certain methods of doing business, and especially those things upon which rests the valuation of their capital stock. The third proposition was the effort against discriminatory practices in rebates, existing between great shippers and carriers.

The second proposition, that of publicity, has appeared in a bill which passed this body on last Saturday. It also appeared in the bill providing for the department of commerce, different in some respects, but at all events seeking that same line of publication.

The chief and most material part of this bill now under consideration directly affects the discriminatory practice in rebates. That proposition, substantially in the same language in which it appears in this bill, appeared in the bill which passed this body on last Saturday, and appeared also in the bill understood to have been framed by the Attorney-General of the United States. Mr. Speaker, I believe in practical legislation. If we have this same provision substantially in three different bills, now having control of one of them, it is the part of wisdom, in my judgment, to take advantage of this opportunity and pass this measure. I still believe, Mr. Speaker, that the bill we passed last Saturday is the better bill of the two.

That bill we have already passed, and whether it is ignored or favorably considered by the other branch of Congress I do not know. I believe in view of the near approach of the day of adjournment of this Congress and the ability we now have to pass the same provision in this bill we ought not to neglect this opportunity, but to pass the bill with the amendments suggested by the committee which has had it under consideration. [Applause on the Republican side.]

Mr. DALZELL. Will the gentleman from Tennessee use his minute now?

Mr. RICHARDSON of Tennessee. Not if the gentleman from Pennsylvania is to close with two speeches.

The SPEAKER. There is no rule on that subject.

Mr. RICHARDSON of Tennessee. I appeal to the Chair that there has been a universal rule, if not written into the rule, the universal practice, to close with only one speech.

The SPEAKER. Does the gentleman from Tennessee wish to occupy his time?

Mr. RICHARDSON of Tennessee. Not now.

Mr. DALZELL. Is the gentleman to occupy his remaining minute?

Mr. RICHARDSON of Tennessee. I reserve my minute, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania has eight minutes remaining.

Mr. DALZELL. Mr. Speaker, inasmuch as I desire my colleague, the gentleman from Ohio, to be heard, I shall not stop longer than to say this. My colleagues on the other side of the House, instead of giving a reason why the rule should not be adopted, have given most conclusive reasons why it should be

adopted. They say, "We are all for the bill; this bill, whether good or bad, is a bill for which we all intend to vote; it ought to be considered and ought to be passed." Now, I call attention to the fact that the House has adopted the previous question on the adoption of this resolution, and, therefore, to vote down this rule would be to set aside altogether the consideration of this bill and make the regular order the consideration of the sundry civil bill. Therefore, if we want this legislation we must pass this rule.

Now another thing. As the gentleman from Indiana has well said, we have already enacted into law two-thirds of the anticipated trust legislation, and that is an abundant reason, a cogent reason, a dominant reason why we should now, when we have it in our power, enact a third proposition and put it on the statute book, whatever may become of the other legislation, and complete the legislation proposed for the control of trusts.

I now yield the balance of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. RICHARDSON of Tennessee. Mr. Speaker, in the one minute that I have remaining, all I have to say in answer to the gentleman from Pennsylvania [Mr. DALZELL] is that if we vote down this rule there will be no serious difficulty in the way of having another rule. The gentleman seems to think that if we vote down this rule and do not take up the Senate bill to be acted on in the manner which the rule prescribes, we lose the opportunity to pass the bill. Why, sir, the machinery of the House of Representatives is oiled and ready. The Committee on Rules could have a rule here in two minutes and a half to meet the case. [Applause on the Democratic side.] Our "machinery" is all right; there need be no trouble about having a proper rule. We could have here in less than two minutes and a half a rule by which the bill might come before the House and be properly considered, with proper opportunity for amendment, and be passed in less than an hour. Why, sir, if you will let us offer amendments to the bill, we will willingly give away the hour for debate; in that case we do not want any hour's debate upon it. [Applause on the Democratic side.] I am content now that the gentleman from Ohio [Mr. GROSVENOR] shall proceed.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] is entitled to five minutes.

Mr. GROSVENOR. Mr. Speaker, I regret very much that in the consideration of a matter of so much importance, and one that does not involve legitimately any question of political advantage one way or the other, we should find ourselves constantly impeded in the progress of this legislation by efforts to gain political advantage. Political or personal advantage ought not to be a dominant consideration as affecting the question of supporting this rule. I very much fear, Mr. Speaker, that the effect of the defeat of this rule at this particular time would be to throw into a chaotic condition the whole system of antitrust legislation which has not been already concluded by the action of the Republican party. Though we might permit the other side of the House to write into this bill whatever measures they have suggested, they would vote against the rule reported by a Republican committee; and they would discredit the act while passing through the House, and would proclaim to the country, as the gentleman from Alabama has said, there is nothing in this legislation. Happily for the judgment of the people of this country, the country believes there is much in this legislation. The people of the country are looking to this House and to this hour; and they will not lightly discriminate between the men who want to put their quibbles into a bill of this character in order that they may have something to come out of the result.

It is said, Mr. Speaker, that the language of this bill—

Mr. SHACKLEFORD rose.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. GROSVENOR. I have not time to be interrupted.

Mr. Speaker, it is said that the language of this bill is faulty in this—that in the second line of the second page the word "willfully" is embodied. Let me give an illustration of the position which gentlemen are taking upon that question. A railroad company charged with the duty of filing its statement places it, we will suppose, in the mail, thus doing what it can to send it to the various places required by law; but there occurs a railroad accident, a fire, a mob—various things may happen so that this statement does not reach the place intended. Now, in that case, gentlemen on the other side say that the officers of the railroad company, thus failing by no fault of its own to make these returns, shall be subjected to fine and imprisonment because of such failure. I undertake to say—and I stake my reputation as a lawyer on this statement—that the word "willfully" in this connection means "purposely," and would be so construed by every court in the United States; and when you have indicted an individual for having willfully failed and neglected to do a prescribed duty under the law, he ought to have the opportunity to show that the failure was not willful, because of the surrounding circum-

stances, because of the accident, it might be, that caused the failure.

Now, Mr. Speaker, we have reached a point in this legislation where we must do something or fail to do it. We have here embodied in three acts—the two acts already passed, as stated by the gentleman from Indiana, and the third, the one which I now hold in my hand—the concentrated judgment of the best ability we can bring to bear in the two Houses of Congress. Shall we now open the door? Shall we lay open to a contest between the Senate and the House of Representatives this whole question, and under a proceeding requiring unanimous consent in one branch of Congress give to one man or half a dozen men the opportunity to prevent any of this legislation?

I do not undertake to say whether this legislation is sufficiently drastic or not. I do undertake to say that in passing these three measures we make three great strides toward carrying out the purpose of the people of this country. And I do undertake to say that our duty is very plain here this morning; that the duty laid upon us can not be shifted or turned aside by any question of throwing open the opportunity of amendment upon this bill.

The gentleman from Tennessee [Mr. RICHARDSON] has been, as usual, general in his statement. What amendment does he propose to put upon this bill? He does not tell us.

Mr. RICHARDSON of Tennessee. The Littlefield bill, which we have passed.

Mr. GROSVENOR. The gentleman would put into this bill "the Littlefield bill," and any Tom, Dick, and Harry's bill, in order to stir up any kind of trouble anywhere, if he can only disturb the peace. [Laughter and applause on the Republican side.] I hope we may vote unanimously for this resolution.

The SPEAKER. The time allowed for debate under the previous question has expired. The question is on agreeing to the report of the Committee on Rules.

The question was put.

The SPEAKER. In the opinion of the Chair, the ayes have it.

Mr. RICHARDSON of Tennessee. I call for a division.

The question being again taken, there were—ayes 134, noes 95.

Mr. RICHARDSON of Tennessee. I ask for tellers.

Mr. DALZELL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 110, answered "present" 4, not voting 97; as follows:

YEAS—140.

| | | | |
|----------------|----------------|---------------|-----------------|
| Adams, | Darragh, | Howell, | Palmer, |
| Alexander, | Dick, | Hull, | Parker, |
| Applin, | Dovener, | Irwin, | Payne, |
| Ball, Del. | Draper, | Jack, | Pearre, |
| Barney, | Eddy, | Jenkins, | Powers, Me. |
| Bartholdt, | Emerson, | Jones, Wash. | Powers, Mass. |
| Bates, | Esch, | Ketcham, | Reeder, |
| Bishop, | Evans, | Knapp, | Reeves, |
| Blackburn, | Fletcher, | Lacey, | Scott, |
| Blakeney, | Fordney, | Landis, | Shattuc, |
| Boreing, | Foster, Vt. | Lawrence, | Shelden, |
| Boutell, | Fowler, | Lessier, | Showalter, |
| Bowersock, | Gaines, W. Va. | Lewis, Pa. | Sibley, |
| Brandeggee, | Gardner, Mass. | Long, | Skiles, |
| Brick, | Gardner, N. J. | Loud, | Smith, Ill. |
| Bromwell, | Gibson, | Loudenslager, | Smith, Henry C. |
| Brown, | Gill, | McCall, | Southard, |
| Brownlow, | Gillet, N. Y. | McLachlan, | Sperry, |
| Burk, Pa. | Gillett, Mass. | Mahon, | Steele, |
| Burke, S. Dak. | Graff, | Mann, | Stevens, Minn. |
| Burkett, | Graham, | Marshall, | Stewart, N. J. |
| Burleigh, | Greene, Mass. | Martin, | Sulloway, |
| Burton, | Grosvenor, | Mercer, | Sutherland, |
| Butler, Pa. | Hamilton, | Metcalf, | Tawney, |
| Calderhead, | Hanbury, | Miller, | Thomas, Iowa |
| Cannon, | Haskins, | Minor, | Van Voorhis, |
| Capron, | Haugen, | Mondell, | Wadsworth, |
| Conner, | Heatwole, | Moody, | Wanger, |
| Coombs, | Hedge, | Morgan, | Warner, |
| Cromer, | Hemenway, | Morris, | Warnock, |
| Crumpacker, | Henry, Conn. | Moss, | Watson, |
| Currier, | Hepburn, | Needham, | Weeks, |
| Curtis, | Hill, | Olmsted, | Woods, |
| Dahle, | Hitt, | Otjen, | Wright, |
| Dalzell, | Holliday, | Overstreet, | Young. |

NAYS—110.

| | | | |
|-------------|---------------|-----------------|---------------|
| Adamson, | Cassingham, | Griffith, | Lindsay, |
| Allen, Ky. | Clark, | Griggs, | Little, |
| Bankhead, | Clayton, | Hay, | Livingston, |
| Bartlett, | Cochran, | Henry, Tex. | Lloyd, |
| Bell, | Cooper, Tex. | Hooker, | McAndrews, |
| Bellamy, | Cowherd, | Howard, | McClellan, |
| Belmont, | Crowley, | Jackson, Kans. | McCulloch, |
| Benton, | Davey, La. | Johnson, | McLain, |
| Billmeyer, | Davis, Fla. | Kehoe, | McRae, |
| Bowie, | De Armond, | Kern, | Maddox, |
| Brantley, | Dinsmore, | Kitchin, Claude | Maynard, |
| Breazeale, | Dougherty, | Kitchin, Wm. W. | Mickey, |
| Brundidge, | Feely, | Kleberg, | Miers, Ind. |
| Burgess, | Finley, | Kluttz, | Moon, |
| Burleson, | Fitzgerald, | Lamb, | Padgett, |
| Burnett, | Fleming, | Latimer, | Pugsley, |
| Butler, Mo. | Gaines, Tenn. | Lester, | Randell, Tex. |
| Caldwell, | Gilbert, | Lever, | Reid, |
| Candler, | Glass, | Lewis, Ga. | Rhea, |

| | | | |
|-------------------|--------------|----------------|-----------------|
| Richardson, Ala. | Scarborough, | Spight, | Underwood, |
| Richardson, Tenn. | Shackleford, | Stark, | Vandiver, |
| Rixey, | Sheppard, | Stephens, Tex. | White, |
| Robb, | Sims, | Sulzer, | Wiley, |
| Robertson, La. | Slayden, | Swann, | Williams, Ill. |
| Robinson, Ind. | Small, | Tate, | Williams, Miss. |
| Rucker, | Smith, Ky. | Thayer, | Zenor. |
| Russell, | Snodgrass, | Thomas, N. C. | |
| Ryan, | Snook, | Thompson, | |

ANSWERED "PRESENT"—4.

| | | | |
|----------|--------------|------|----------|
| Acheson, | Cooper, Wis. | Fox, | Hopkins. |
|----------|--------------|------|----------|

NOT VOTING—97.

| | | | |
|------------|----------------|------------------|------------------|
| Allen, Me. | Flood, | McCleary, | Shallenberger, |
| Babcock, | Foerderer, | McDermott, | Sherman, |
| Ball, Tex. | Foss, | Mahoney, | Smith, Iowa |
| Beidler, | Foster, Ill. | Meyer, La. | Smith, Samuel W. |
| Bingham, | Gardner, Mich. | Morrell, | Smith, Wm. Alden |
| Bristow, | Glenn, | Mudd, | Southwick, |
| Broussard, | Goldfogle, | Mutchler, | Sparkman, |
| Bull, | Gooch, | Naphe, | Stewart, N. Y. |
| Cassel, | Gordon, | Neville, | Storm, |
| Connell, | Green, Pa. | Nevin, | Swanson, |
| Conry, | Grow, | Newlands, | Talbert, |
| Cooney, | Henry, Miss. | Norton, | Taylor, Ohio |
| Corliss, | Hildebrandt, | Patterson, Pa. | Taylor, Ala. |
| Cousins, | Hughes, | Patterson, Tenn. | Tirrell, |
| Creamer, | Jackson, Md. | Perkins, | Tompkins, N. Y. |
| Cushman, | Jett, | Pierce, | Tompkins, Ohio |
| Davidson, | Jones, Va. | Pou, | Trimble, |
| Dayton, | Joy, | Prince, | Vreeland, |
| Deemer, | Kahn, | Ransdell, La. | Wachter, |
| Douglas, | Knox, | Roberts, | Wheeler, |
| Driscoll, | Kyle, | Robinson, Nebr. | Wilson, |
| Dwight, | Lassiter, | Ruppert, | Wooten. |
| Edwards, | Littauer, | Schirm, | |
| Elliott, | Littlefield, | Selby, | |
| Flanagan, | Lovering, | Shafroth, | |

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. DEEMER with Mr. MUTCHLER.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Until further notice:

Mr. HUGHES with Mr. TRIMBLE.

Mr. MILLER with Mr. EDWARDS.

Mr. PATTERSON of Pennsylvania with Mr. ROBINSON of Nebraska.

Mr. STORM with Mr. RANSDALL of Louisiana.

Mr. WM. ALDEN SMITH with Mr. WHEELER.

Mr. TIRRELL with Mr. CONRY.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. HOPKINS with Mr. SWANSON.

Mr. SOUTHWICK with Mr. NORTON.

Mr. ACHESON with Mr. SPARKMAN.

Mr. BEIDLER with Mr. FOX.

Until Wednesday:

Mr. KYLE with Mr. GLENN.

For the day:

Mr. ROBERTS with Mr. SELBY.

Mr. TAYLER of Ohio with Mr. TAYLOR of Alabama.

Mr. SOUTHWICK with Mr. TALBERT.

Mr. SMITH of Iowa with Mr. SHALLENBERGER.

Mr. SCHIRM with Mr. POU.

Mr. PRINCE with Mr. PIERCE.

Mr. MUDD with Mr. PATTERSON of Tennessee.

Mr. LITTAUER with Mr. NAPHE.

Mr. KAHN with Mr. MAHONEY.

Mr. JOY with Mr. MCDERMOTT.

Mr. FOERDERER with Mr. WOOTEN.

Mr. DRISCOLL with Mr. LASSITER.

Mr. DOUGLAS with Mr. HENRY of Mississippi.

Mr. CUSHMAN with Mr. GOLDFOGLE.

Mr. COUSINS with Mr. CREAMER.

Mr. STEWART of New York with Mr. GORDON.

Mr. BULL with Mr. FLANAGAN.

Mr. BRISTOW with Mr. COONEY.

Mr. WACHTER with Mr. BALL of Texas.

Mr. SAMUEL W. SMITH with Mr. JETT.

Mr. CONNELL with Mr. SHAFROTH.

Mr. BABCOCK with Mr. NEWLANDS.

Mr. CORLISS with Mr. WILSON.

Mr. DWIGHT with Mr. FOSTER of Illinois.

Mr. HILDEBRANT with Mr. BROUSSARD.

Mr. VREELAND with Mr. FLOOD.

Mr. GARDNER of Michigan with Mr. JONES of Virginia.

For the vote:

Mr. MCCLEARY with Mr. NEVILLE.

Mr. DAVIDSON with Mr. GOOCH.

The result of the vote was announced as above recorded.

Mr. HEPBURN. Mr. Speaker, as I understand the rule, one hour is to be devoted to debate.

The SPEAKER. Not exceeding one hour.

Mr. HEPBURN. I ask unanimous consent that that time be equally divided, and controlled by the gentleman from Missouri [Mr. SHACKLEFORD] and by myself.

The SPEAKER. The gentleman can easily arrange that, as he controls the hour.

Mr. HEPBURN. Very well. I will yield, then, to the gentleman from Missouri [Mr. SHACKLEFORD].

The SPEAKER. The Clerk, however, should read the bill, unless the reading is dispensed with.

The Clerk began the reading of the bill.

Mr. SHACKLEFORD. I ask unanimous consent that we waive the reading of the bill.

The SPEAKER. The gentleman asks unanimous consent that the reading of the bill be waived. Is there objection?

There was no objection.

Mr. HEPBURN. I yield thirty minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

The SPEAKER. The gentleman from Missouri is recognized to control thirty minutes of the time.

Mr. SHACKLEFORD. Mr. Speaker, I yield two minutes of that time to my colleague [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, at the outset somebody should state precisely the effect of the proposed legislation upon that already on the statute book, and I desire to enter my protest against the enactment of a law so important, so vitally affecting existing legislation that, in my judgment, it will open wider and wider the meshes through which heretofore the corporations have escaped any punishment whatever under existing laws, with no effect on the part of the gentlemen in charge of it to state precisely how it will affect and change existing statutes.

In my opinion this law exempts the officials of railroad companies entirely from punishment. No matter what may be done by the railroad managers and agents, under this bill only the corporation can be proceeded against. You can not find in it a line under which the managers of a railroad company can be indicted or punished. It reenacts in part existing legislation and, in my opinion, repeals the provisions of the interstate-commerce law imposing penalties on corporation officials. It visits punishment solely upon the corporation, so that henceforth it will be impossible under this law to indict the officer responsible for the illegal acts of the corporation.

In the next place, it makes the persons receiving rebates equally guilty with the corporations conceding them, and we are told that this changes existing law. A mere glance at the interstate-commerce law is sufficient to convince anyone who will take the pains to look at it that this is only a reenactment of a law already on the statute books. So are all the features of this bill that deserve support, but it contains matter that weakens instead of strengthening the laws heretofore enacted. It was intended to have this effect. It is a fraud. It was designed to prevent the punishment of offenses committed by the managers of the corporations.

By far the most objectionable feature of the bill is the repeal of the statute authorizing the imprisonment of violators of the interstate-commerce law. For one, I will not vote for a law the most salient provisions of which aim at relieving the lawless railroad managers from the penalties imposed by existing statutes.

I am astounded that a law so sweeping in its aims should be brought in here by a committee, with nothing in the report recommending its passage to advise the House or the country as to its effect upon existing statutes.

Never has so brazen, so shameless an attempt been made to impose upon the country a measure so reprehensible. It will be swallowed by the majority in the House, not because it is in any sense responsive to the demands of the people for the control of the monopolies, but because the newspapers have said that it has the approval of the White House and is in line with the policy of party leaders who have no desire to interfere seriously with trusts and monopolies, but who thus make a false pretense of obedience to the popular demand for reform legislation.

I desire to direct particular attention to the fact that as the bill passed the Senate it provided that—

Anything done or omitted by a corporation common carrier subject to the interstate-commerce law, "which if done by any director or officer thereof," "would constitute a misdemeanor" under said act or this act shall be held to be a misdemeanor committed by such corporation,

and then goes on to provide that the offending corporation so convicted shall be "subject to the penalties provided by the interstate-commerce law or this act in reference to such persons, except such penalties as are herein changed."

The House committee brings in an amendment inserting in line 9 of page 1 of the bill, after the word "shall," the word "also." Thus amended, the bill reads that—

Anything done or omitted by a corporation common carrier subject to the interstate-commerce law which, if done by any officer or director thereof, "would constitute a misdemeanor under said act or under this act shall "also" be held to be a misdemeanor committed by such corporation.

Is there any doubt that but for this House amendment this miserable measure, the aim of which is to cripple existing laws on the subject, would have exempted the officers and agents of the railroads from all the penalties provided by the interstate-commerce law?

Read this provision as it passed the Senate, keeping in view the sweeping repeal of all laws inconsistent with this bill, which forms its last section, and consider it in connection with sections 10, 11, and 12 of the interstate-commerce law, and whatever may be your opinion as to other questions involved you will be forced to the conclusion that it was the intention of its author to relieve the officials and agents of the corporations of the penalties imposed by existing laws for lawlessness in the conduct of the business of common carriers.

Does the insertion of the word "also" in the bill so change it as to thwart this purpose? I do not believe that it does. This bill was intended to exonerate lawlessness from punishment. It certainly repeals the law prescribing fine or imprisonment as the penalty for violation of the interstate-commerce law, and substitutes a fine as the only penalty. This alone is sufficient to condemn it.

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

Mr. SHACKLEFORD. I yield the balance of my time to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. I yield the time to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, observing that the gentleman from Maine [Mr. LITTLEFIELD] is with us this morning—and I am glad he is here, because I want to avail myself of this opportunity to call his attention, and incidentally the notice of the members of this House, to what the gentleman from Maine said last Saturday on the floor of this House when his so-called antitrust bill was pending. On page 1903 of the RECORD the gentleman from Maine, referring to my antitrust bill, which his committee did not report, says:

Now, that being the case, I am going to read a legal proposition on this bill, which has been voted for twice on this floor by every one of our Democratic friends—I take it without reading it. Now, I will read a paragraph of this bill:

"The claim that such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not excuse such person from testifying, but such testimony shall not be used against such person on the trial of any criminal proceeding."

What does that mean?

Mr. SULZER. I will tell the gentleman, if he will yield to me.

Mr. LITTLEFIELD. One moment. That is not even common sense. It is not even common nonsense.

"The claim" that testimony would incriminate should not be used against the party testifying."

That provision in the bill simply discloses the fact that the man who drew it did not know how to use language to express a coherent idea. It is a tale told by an idiot, full of sound and fury, signifying nothing. That is all I have to say in reply to the gentleman from New York.

Now, Mr. Speaker, on the same day after the gentleman from Maine had concluded his remarks I replied to him as follows, and I quote from the CONGRESSIONAL RECORD at pages 1903, 1904:

Mr. Chairman, just a few words in reply to the gentleman from Maine. In referring to my antitrust bill, the gentleman from Maine, it appears to me, makes an argument exactly like a trust lawyer. He seems to have changed his mind. I do not think his argument was very sound or very logical, and it even lacked the merit of being original.

But that is to be expected from the gentleman from Maine. He has flopped on the trust question, and we may now and hereafter look for all kinds of vagaries regarding this matter from the once great and only original trust buster. [Laughter.]

The gentleman has pointed out in my antitrust bill only one defect, and that defect is in this provision: "The claim that such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not excuse such person from testifying, but such testimony shall not be used against such person on the trial of any criminal proceeding." The gentleman claims, as I understand him, that that provision is unconstitutional.

I know the gentleman is learned in the law, but with all due respect I take issue with him on that point. As a matter of fact, that provision is taken verbatim from law now on the statute book and it has been held constitutional. It has been held over and over again that where a witness gives testimony incriminating himself as well as others, by the way of information or confession, that the district attorney representing the Government can extend the witness immunity. In many States the law does it. That is exactly what this provision does; so there is nothing to that objection.

At that time, sir, it seemed to me that the gentleman from Maine was as precipitous as he was severe; but I overlooked it because I knew how excited the gentleman was and the great load, the tremendous responsibility, he was staggering under in trying to pass his own bill—a bill that would do the trusts about as much harm as the great volume of words he hurled at this side of the House.

Well, Mr. Speaker, we have before us now another so-called antitrust bill, namely, Senate bill No. 7053, entitled "An act to further regulate commerce with foreign nations and among the States."

This bill unanimously passed the Senate on the 3d day of February, 1903. On the 4th day of February, 1903, it was referred to the Committee on Interstate and Foreign Commerce of this

House, and favorably reported yesterday, and is now before us for discussion only—remember I say for discussion only, because under the rule just adopted by the Republican majority this side of the House is prohibited from amending the bill in the slightest particular.

Now, sir, I will call the attention of the House, especially the attention of my friend from Maine, to page 6, line 6, of this bill now before us, which reads as follows:

The claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in such proceeding.

That provision, as anyone can see, is almost word for word the same as the provision in my antitrust bill. [Laughter.] Now, the gentleman from Maine called that provision unconstitutional. He even went further and said that it was not "common sense;" that it was not even "common nonsense;" and, continuing, said in conclusion that it was the "tale of an idiot, full of sound and fury, signifying nothing." I wish at this time to make the comparison; but, then, Thackeray once said "Comparisons are odious," and perhaps I have said all I should say when I call the attention of the gentleman from Maine and of the members of this House to the provision contained in this bill now under consideration and in my bill and show that the language of both is the same, word for word. [Applause and laughter on the Democratic side.]

Mr. MANN. Mr. Speaker, I think that reflects great credit on the Senate.

Mr. SULZER. And the gentleman might add on myself, but I am modest in the matter. However, in this connection I will now read from the CONGRESSIONAL RECORD, at page 1902, what I said last Saturday in further answer to my friend from Maine:

And, Mr. Chairman, I am glad to stand up here and say that the gentleman from Maine, my friend, the erstwhile trust buster, did put into his bill some of the provisions of my bill, but they were the mild provisions of my bill which amount to little. [Laughter.] The gentleman from Maine studiously left out of this bill everything in my bill which would do something, which would amount to something, which would check the trust evil and more effectively curb the potential power and the autocratic sway of the trusts.

Now, another thing—and this is a good time to say it again, and I want to repeat it every chance I get, on behalf of my Democratic colleagues—that when the department of commerce bill was pending in this House I offered my antitrust bill as an amendment to one of the sections of that department of commerce bill, and every Democrat in this House voted for it, and every Republican in this House, including the great, the only, and the original trust buster, my good friend from Maine, voted against it. [Applause and laughter on the Democratic side.] I have noticed, however, that since the department of commerce bill has been pending in the Senate a farseeing and sagacious Senator contemplates amending that bill by incorporating in it an antitrust provision very similar to mine.

I hope the Senator will do so. He can have my antitrust bill in toto; and I believe it is the best bill ever introduced in this House to establish "publicity" regarding the trusts. I have no personal vanity in this matter. I am only a humble servant of the people, with mediocre ability; and being in the minority, I can not hope to do more than construct legislation. I can only prepare good bills; I can not pass them. Only Republicans can make laws nowadays. But I care not for the glory; all I want is to secure results for the people. [Laughter.]

So much for the facts, Mr. Speaker, by way of comparison, and the record will speak for itself. I know the gentleman from Maine does not relish it, but hereafter he should, in the words of Davy Crockett, "be sure he is right before he goes ahead."

What, sir, will the gentleman from Maine do now? Will he vote for this bill containing this, as he calls it, unconstitutional provision; that, as he says, is not "even common sense;" that, as he terms it, "is the tale of an idiot, full of sound and fury, signifying nothing," or will he vote against it, or will he run away from it, as he did on another bill the other day? What does the gentleman from Maine think about it all now? Does he still think it is "nonsense" and "unconstitutional?" Does he still say it is "a tale of an idiot?"

Let him answer, and let me say to him that he is not the only great lawyer in Congress. There are others. This bill passed the Senate unanimously. Does the gentleman from Maine want us to believe there are no lawyers in the Senate? It was reported unanimously from the Senate Committee on Commerce. Does the gentleman from Maine want us to believe the distinguished Senators on that committee can not tell the difference between a well-settled provision of law and the "tale of an idiot?" Now, who are the Senators on the Senate Committee on Commerce? Here they are. I will read them:

| | |
|---------------------------------------|-----------------------------------|
| William B. Frye, of Maine. | John P. Jones, of Nevada. |
| Stephen B. Elkins, of West Virginia. | George C. Perkins, of California. |
| Knute Nelson, of Minnesota. | George G. Vest, of Missouri. |
| Jacob H. Gallinger, of New Hampshire. | James H. Berry, of Arkansas. |
| Boies Penrose, of Pennsylvania. | George Turner, of Washington. |
| Marcus A. Hanna, of Ohio. | Thomas S. Martin, of Virginia. |
| William E. Mason, of Illinois. | Alexander S. Clay, of Georgia. |
| Chauncey M. Depew, of New York. | Stephen R. Mallory, of Florida. |

A great committee—a great list of names—including some very great lawyers, with all due respect to the gentleman from Maine and his childish expression of a hasty opinion to the contrary notwithstanding.

Yes, Mr. Speaker, the gentleman from Maine may know it all, but I am inclined to think he is in error in regard to this proposition of law. As he said, a law student should know better. I am sorry for him. I sympathize with him. I regret to see him in his present predicament. But to go on. After the bill passed the Senate and came to this House the Speaker referred it to the Committee on Interstate and Foreign Commerce, and that committee passed on it and reported it favorably with this same provision in it. Let me read the names of this House committee. They are:

William P. Hepburn, of Iowa.
Loren Fletcher, of Minnesota.
James S. Sherman, of New York.
Irving F. Wanger, of Pennsylvania.
Charles F. Joy, of Missouri.
John B. Corliss, of Michigan.
James F. Stewart, of New Jersey.
James R. Mann, of Illinois.
William C. Lovering, of Massachusetts.

Frank L. Coombs, of California.
Emmett Tompkins, of Ohio.
Robert C. Davey, of Louisiana.
William C. Adamson, of Georgia.
Robert W. Davis, of Florida.
Dorsey W. Shackelford, of Missouri.
William H. Ryan, of New York.
William Richardson, of Alabama.

Some great names there, names of able lawyers. Will the gentleman from Maine deny it? No; I think not. The trouble with the gentleman from Maine in this matter is that he is so absorbed with his own bill that he can see no good in any other bill.

The gentleman should be broader and more liberal and more charitable. Of course, we all know he is great—very great, and continually contemplates on it—but there are just a few others, and there were a few here before he came to Congress, and they are still with us. The gentleman from Maine should give credit to whom credit is due. His bill is not the only pebble on the beach. In fact, some good lawyers in Congress do not think it is constitutional, and some eminent antitrust people think it is not an antitrust bill, but, on the contrary, a good bill for the trusts. I spoke briefly about the bill when it was before this House. The opinion I then expressed has since been confirmed. Let me read from the New York World of the 11th instant, as follows:

Representative LITTLEFIELD, of Maine, the author of the antitrust bill which passed the House last Saturday, went to the White House to-day. He asked the President to use his influence in securing the passage of the Littlefield bill by the Senate.

The President refused to do so. He told Mr. LITTLEFIELD that his antitrust bill was of no particular value; was unconstitutional, and was entirely too drastic, and that he would not indorse it.

Mr. LITTLEFIELD was greatly surprised, and left the White House in no good humor. He went to the Capitol and undertook to organize a revolt among the Republicans against the adoption of the conference report on the Department of Commerce bill, which would include the Nelson publicity amendment. He had the promises of several Republicans, but when the report came up to-day and Mr. HEPBURN demanded a record vote, all the Republicans weakened.

Now, that is too bad. Think of the President—who ought to know—telling the gentleman from Maine his bill was unconstitutional! I sympathize with the gentleman. It is really pitiable. But let me read from the New York American—a great antitrust newspaper—from the issue of February 11, 1903:

The Judiciary Committee of the Senate will in a few days proclaim to the country that the Littlefield bill is unconstitutional!

My, my, just think of that! And now let me read an extract from an editorial in the Philadelphia Inquirer of yesterday, as follows:

The Littlefield bill, which is now before the Senate, will fall by the way-side; but that measure is long and complicated.

Long and complicated, indeed! If it is, then it must be like some of the logic of the gentleman whose name it fictitiously bears. But now, to cap the climax of the humiliation of my friend, let me read some resolutions adopted at a largely attended meeting of the American Antitrust League in this city on the 11th day of February, 1903. The resolutions are as follows:

Whereas there are now pending in Congress certain bills which purport to be antitrust bills, alleged to be for the purpose of regulating and controlling the so-called trusts; and

Whereas after a careful examination of these pending bills to regulate trusts we are forced to the conclusion that the so-called Littlefield bill, H. R. No. 17, is a most vicious bill in that it proposes amendments to the existing antitrust law which will emasculate the criminal clauses of the antitrust act of 1890, and thus enable the trusts to escape just punishment for their offenses; and

Whereas the so-called Elkins bill (S. 7053) is clearly intended to still further weaken the effectiveness of the antitrust act of 1890, in that it abolishes the imprisonment penalties and tends to prevent the securing of evidence by making the giver and receiver of rebates equally guilty; and

Whereas the Sulzer bill (H. R. 15927) is a measure which proposes practical steps for a better enforcement of the law against trusts: Therefore

Resolved, That we denounce the Littlefield bill (H. R. 17) and the Elkins bill (S. 7053) as not being antitrust bills, but really protrust bills, intended solely to enable the trusts to escape just punishment for their offenses; and be it further

Resolved, That we indorse the Sulzer bill (H. R. 15927) as the best measure proposed for publicity as to the workings of the trusts, which, if enacted into law and properly enforced, would lead to the destruction of the most oppressive trusts in the country.

H. B. MARTIN, Chairman,
WM. L. DEWART, Secretary.

Joint Committee American Antitrust League and D. A. 66, K. of L.

Mr. Speaker, these resolutions speak for themselves. I need say no more. But in justice to myself and in behalf of the antitrust bill I introduced I want to have the RECORD tell its story, and—

Mr. HEPBURN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. SULZER. I only have a few minutes left. If the gentleman will give me some of his time I will be glad to answer his questions. I ask the gentleman if he will give me some of his time?

Mr. HEPBURN. No.

Mr. SULZER. Then I decline to yield.

Mr. HEPBURN. I want to ask the gentleman a question.

Mr. SULZER. Do it in your own time. I decline now to yield. I started out to call the attention of this House and the country to the sad and sorrowful spectacle the gentleman from Maine has made of himself. He said that I had put all the Democrats on record on two different occasions in favor of this "tale of an idiot, full of sound and fury, signifying nothing." Now, let us see what he and his colleagues will do about it.

The gentleman from Iowa [Mr. HEPBURN], who is a great lawyer, keeps the language I referred to in this bill now before us and asks all the Republicans, including the gentleman from Maine, to vote for it, and is going to put every Republican in this House, as the Senator from West Virginia [Mr. ELKINS] put every Senator in the Senate, on record in favor of this "tale of an idiot, full of sound and fury, signifying nothing." [Laughter and applause on the Democratic side.]

[Here the hammer fell.]

Mr. SULZER. Mr. Speaker, one word more. Let the gentleman from Iowa explain that to the gentleman from Maine, and I am content, and the next time the gentleman from Maine will know more law.

The SPEAKER. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Speaker, I have no disposition to enter into any dispute with the gentleman from Maine as to the choice of language he may have made in characterizing the gentleman from New York. [Laughter.] I would not have used that language in reference to him myself, but—

Mr. SULZER. The gentleman is too good a lawyer.

Mr. HEPBURN. Since the gentleman from Maine has seen fit deliberately to do so, I will allow those two gentlemen to continue the contest to their contentment.

Mr. SULZER. Let me ask the gentleman a question as to whether he agrees—

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. HEPBURN. Oh, yes; I will yield.

Mr. SULZER. The gentleman has lots of time. He has thirty minutes.

Mr. HEPBURN. Do not talk about it, but let the gentleman ask his question.

Mr. SULZER. Very well; I want to know, regarding this language taken from my bill and put into the Senate bill, and now before this House, whether the gentleman agrees that that provision is what the gentleman from Maine characterized it, as a "tale of an idiot, full of sound and fury, signifying nothing."

Mr. HEPBURN. Well, Mr. Speaker, I do not know in the first place if the gentleman did use that language in regard to this language.

Mr. SULZER. He did, and it is—

The SPEAKER. The gentleman from New York will be in order.

Mr. HEPBURN. I know this, that the gentleman's claim for authorship is not very well founded, because of the fact that that language is the law now.

Mr. SULZER. That is what I said the other day in reply to the gentleman from Maine.

Mr. HEPBURN. And this language has been the law for years, and he is pluming himself upon having discovered the exact phraseology that will make the octopus responsible. That language is in the law and it has been for years.

Mr. SULZER. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HEPBURN. I decline to yield.

Mr. SULZER. Just for a minute?

Mr. HEPBURN. No.

The SPEAKER. The gentleman declines to further yield.

Mr. SULZER. I want to call his attention to the fact that I said the other day just what he says now in regard to this matter. We agree, but we differ from the gentleman from Maine.

The SPEAKER. The gentleman is out of order.

Mr. HEPBURN. Mr. Speaker, I am prepared to believe that the gentleman on that side of the House will vote for any proposition. You intend to vote for this bill. You have denounced it in the bitterest terms. Every one of you will vote for it. You denounced the bill that the honorable gentleman from Maine [Mr. LITTLEFIELD] introduced and that bears his name. Every one of you voted for it. You would do it again, if it came up.

You vote for anything. Why, that side of the House the other day voted—

Mr. SULZER. Will the gentleman yield?

The SPEAKER. The gentleman has declined to yield.

Mr. HEPBURN. I have declined to yield.

The SPEAKER. There is no use in repeating it when a gentleman declines to yield. It only leads to unseemly proceedings in the House.

Mr. HEPBURN. You gentlemen voted for a proposition—every one of you—under which it would have been possible to have fined the Pennsylvania Railroad for a single act the sum of \$8,000,000.

Mr. SULZER. We wanted to make the punishment fit the crime.

Mr. HEPBURN. You not only did that, but in the same section you voted for language that you proposed to make the law under which that railroad corporation could be fined the sum of \$16,000,000. You have voted for that kind of idiocy. You have not stopped at anything, if you simply labeled it antitrust or called it antioctopus. This provision that we are now considering, as has already been said, completes the legislation that many persons in this country, not all, think will be necessary in order that the law should control the subject of trusts. I am not sure that this legislation is the best possible. I am not sure that the two other propositions that are already enacted are the best possible, but they are the best attainable under the circumstances, and that is all that we will be required by our constituents to accomplish.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HEPBURN. I prefer not to yield. I do not know that gentlemen should criticize the House or the Republicans of the House for endeavoring to secure this legislation. It is good; possibly not the best. The evidence of its being good is that you will vote for it. But you say we are abandoning something. Not so. Who here has abandoned the provisions of the bill that we voted for a few days ago? It is now in process of enactment into legislation. We have done our part. Whether or not all the good that you gentlemen say would be accomplished by that measure will be accomplished is dependent upon another body. The responsibility rests upon it; not upon us. Now, for fear, possibly, that that may not become legislation, here is another proposition that we offer to you. We offer it to you because it is a certainty. It has already passed that body where danger may lurk toward that which we have passed. Do you prefer to have nothing? If you can not have the bill that the House voted upon a few days ago, is it not better to take this, even according to your own assertions that it is vastly inferior to that which has already been done?

I am not prepared to yield to the proposition. I believe that this accomplishes much. What has been the great difficulty in the way of administering the interstate-commerce law? Where has the trouble originated? Mind you, that in sixteen years, with all of the broad provisions making criminal the acts that we reprobate, no single successful prosecution has been waged against a malefactor; not one. There has been no conviction. Why? Simply because the Interstate Commerce Commission could not make the proofs. The knowledge that was essential to conviction was locked in the minds of a comparatively few people.

The prosecutions were almost invariably against that class, and the community of kindly feeling, the close relations that existed prevented one member of that class from testifying against his fellows, and hence it has been that prosecutions have failed. They refused to testify, because the punishment would fall upon the individual and might be for long periods of imprisonment. Hence the witnesses would not and could not be made to testify. We are trying to remedy that difficulty. In consonance and in harmony with the oft-repeated recommendation of the Interstate Commerce Commission we propose what? To make the individual less culpable? No; the gentleman from Missouri to the contrary notwithstanding. That gentleman has failed to read the law, or else he must have purposed a misstatement of the law. I say that there is no repeal from first to last in all this legislation—

Mr. COCHRAN. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Missouri?

Mr. HEPBURN. I prefer not to yield.

Mr. COCHRAN. The gentleman ought not to refer to "the gentleman from Missouri" if he does not want to yield.

Mr. HEPBURN. I ought to refer to the gentleman from Missouri at any time when he deliberately misstates a proposition.

Mr. COCHRAN. I brand that as a deliberate lie. I did not deliberately misstate the question.

Mr. HEPBURN. Then ignorantly. The gentleman can take either proposition. I say that there is no repeal of the present statute making culpable and responsible criminally the individual under the interstate-commerce law. But in addition we make

the corporation liable criminally. The subordinate is now under the law, and to that we add by this statute the culpability and criminality of the master, the corporation.

Mr. THAYER. But do you relieve on the subject of imprisonment?

Mr. HEPBURN. We repeal the matter of imprisonment, and we do away with it in harmony with the advice of the Interstate Commerce Commission, repeated over and over and over again.

Mr. THAYER. But you do it, just the same.

Mr. HEPBURN. Yes, sir; we do it. There is no punishment by imprisonment under this law, but penalties are continued from \$1,000 fine to \$20,000. Another difficulty in the way of the proper administration of the law is in relation to the constant giving of rebates. The burden of complaint that has been made in the weeks and months of investigation that has taken place before the Committee on Interstate and Foreign Commerce has been against discrimination. Not one man, of all the scores from every part of this broad Union that have appeared before us to testify upon this subject of interstate commerce, has alleged that rates are exorbitantly high.

On the contrary, many men have said over and over again that many of the rates at many periods were too low. What they have objected to is the discrimination as to commodity, discrimination as to place, discrimination as to persons—mainly as to persons—in the rebates that are paid. Under the present law the man who pays the rebate—not the corporation, but the individual who pays—is the one who is criminally responsible. The man who solicits, who persuades, who tempts this traffic, that man is not held responsible; but the only man held responsible is he who could or would testify. Now, under this law it is made criminal to solicit, to receive, equally with the offer of the gift. This is wise, and in my humble judgment it will stop discriminations; and if we stop discriminations, then clearly the major portion of the evils complained of cease to exist.

But again, this law which gentlemen tell us amounts to nothing—this law which my colleague from Missouri condemns so bitterly—he will vote for. You can not probably prevent him voting for it without you keep him by violence out of the House. He will want to vote for it so badly and have his constituents know that he did that on that side of the House gentlemen will demand the yeas and nays, for legislatively they are in a bad fix just now. They voted against the rule, and the supposition will be they are against the measure, and will have to call the yeas and nays in order to right themselves, and I think they will do it, although I may be mistaken.

Mr. THAYER. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Massachusetts?

Mr. HEPBURN. I have indicated in the presence of the gentleman several times that I prefer not to yield.

Mr. THAYER. I did not know but that you might change your mind.

Mr. HEPBURN. I have not. If there is any person in the world that could persuade me it would be the gentleman from Massachusetts; but he can not, under the circumstances.

Mr. Speaker, this bill gives to the Commission among other aids toward the enforcement of the law the right to appeal to the equity side of the court. I regard that as invaluable. I think that that provision is of the utmost importance. I remember only a few months ago I had an interview with a distinguished jurist from the city of San Francisco, who said to me that among the methods that were in use for the purpose of preventing outrages of discrimination and other outrages under the interstate commerce law none had been so formidable as this; that where the pleader understood his business, knowing how to draft a bill in equity and search the conscience of his adversary and would require him to answer under oath, such a proceeding invariably could be successful, and in his court in every instance but one had been successful. We have added that feature to the law, so that the right will no longer be in dispute.

One other change that I wish to speak of, proposed by the committee, is this: In the bill as originally framed, the initiative of all suits was in the hands of the Interstate Commerce Commission, and they were under the control and direction or subordinate to the Department of Justice. Your committee thought that that was not the best course, and we changed this bill in order to conform with the statute as it now is, and to allow the head of the Department of Justice still to preserve the discipline of his Department by having control over all of his subordinates.

The Attorney-General, at the instance of the Commission, will institute these suits. The Attorney-General will, at their instance, require the diligent service of all of his subordinates, and under another provision enacted by this House he has now the means to expend \$500,000 to employ the best of legal talent; and employing all these other means of preparing cases for trial

entitles us to believe that we will have in that class of investigation a much larger measure of success.

Mr. FLEMING. Will the gentleman permit me a question?

Mr. HEPBURN. I have said half a dozen times that I preferred not to be interrupted, but I will yield to the gentleman.

Mr. FLEMING. I wanted to ask the gentleman if he did not think it would be better to insert on page 6, line 9, after the word "corporation," the word "from."

Mr. HEPBURN. The gentleman called my attention to that, and I have given it a careful examination. I think it is not necessary. The sense is complete as it is now, and I am perfectly content with it.

Mr. FLEMING. The sense is not complete. The defect is patent.

Mr. HEPBURN. Mr. Speaker, much complaint has been made on the part of gentlemen on the other side because a larger opportunity for discussion has not been given to them. The general features of debate are the same under this bill as under the other. As they have been pursued by gentlemen on that side, the particular features of the bill under consideration have in no instance, or but seldom, been discussed. They have discussed the general subject, and they have done that amply. Under a bill that was pending a little while ago they had five hours for discussion, and they had three full hours for the purpose of securing amendments, and every conceivable one that the ingenuity of man could conjure up was offered before this House, secured its attention and their votes, and were voted down by the majority.

It was well conceived that further discussion of that kind would not be productive of good; and as we are near the end of the life of this Congress, and as every man, I take it, in good faith wants the best legislation he can get, and as there are difficulties still in the way of this bill or of another that we may pass before it reaches the status of law, it is wise to give all of the time possible—to give all of the time for avoiding those emergencies, those pitfalls of legislation and of legislative procedure that may stand in the way of a great measure like this.

I believe that in these three measures that have been before this House we have struck that happy medium with regard to these vexed questions that will produce the least of individual injury and the most of public good. That is what we all want. I take it that there can be no legislation of vigor, no legislation that can produce results such as we desire, without falling harmfully somewhere where no one wants it to fall—without falling harmfully somewhere upon the innocent, who ought not to be the victim of law, but under the three measures referred to we will have the least of harm and the most of good. [Applause.]

Mr. Speaker, I ask for a vote.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will submit them in gross. The Chair hears no demand.

The amendments were agreed to.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. WILLIAMS of Illinois. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 250, nays 6, answered "present" 3, not voting 92; as follows:

YEAS—250.

| | | | |
|----------------|--------------|----------------|-----------------|
| Adams, | Burleigh, | Eddy, | Haskins, |
| Adamson, | Burleson, | Emerson, | Haugen, |
| Alexander, | Burnett, | Esch, | Hay, |
| Allen, Ky. | Burton, | Evans, | Heatwole, |
| Aplin, | Butler, Mo. | Feely, | Hedge, |
| Ball, Del. | Butler, Pa. | Finley, | Hemenway, |
| Barney, | Calderhead, | Fitzgerald, | Henry, Conn. |
| Bartholdt, | Caldwell, | Fleming, | Henry, Tex. |
| Bartlett, | Candler, | Flood, | Heppburn, |
| Bates, | Cannon, | Fordney, | Hill, |
| Bell, | Capron, | Foster, Vt. | Hitt, |
| Bellamy, | Cassingham, | Fowler, | Holliday, |
| Bellmont, | Clark, | Fox, | Howard, |
| Benton, | Clayton, | Gaines, Tenn. | Howell, |
| Bishop, | Conner, | Gaines, W. Va. | Irwin, |
| Blakeney, | Coombs, | Gardner, Mass. | Jack, |
| Boreing, | Cooper, Wis. | Gardner, N. J. | Jackson, Kans. |
| Boutell, | Cowherd, | Gibson, | Jackson, Md. |
| Bowersock, | Cramer, | Gilbert, | Jenkins, |
| Bowie, | Crowley, | Gill, | Johnson, |
| Brandegge, | Crumpacker, | Gillet, N. Y. | Jones, Wash. |
| Brantley, | Curtis, | Gillett, Mass. | Kahn, |
| Breazeale, | Dahle, | Gooch, | Kehoe, |
| Brick, | Dalzell, | Gordon, | Ketcham, |
| Bromwell, | Darragh, | Graham, | Kitchin, Claude |
| Broussard, | Davey, La. | Greene, Mass. | Kitchin, Wm. W. |
| Brownlow, | Davis, Fla. | Griffith, | Kieberg, |
| Brundidge, | Dick, | Griggs, | Knapp, |
| Burgess, | Dinsmore, | Grosvenor, | Lacey, |
| Burk, Pa. | Dougherty, | Hamilton, | Lamb, |
| Burke, S. Dak. | Draper, | Hanbury, | Landis, |
| Burkett, | | | Latimer, |

Lawrence,
Lessler,
Lester,
Lever,
Lewis, Ga.
Lewis, Pa.
Lindsay,
Little,
Livingston,
Lloyd,
Long,
Loudenslager,
Lovering,
McAndrews,
McCall,
McCleary,
McClellan,
McCulloch,
McLachlan,
McLain,
McRae,
Maddox,
Mahon,
Mann,
Marshall,
Martin,
Maynard,
Mercer,
Metcalf,
Mickey,
Miers, Ind.

Miller,
Minor,
Mondell,
Moody,
Moon,
Morgan,
Morris,
Moss,
Mudd,
Needham,
Olmsted,
Otjen,
Overstreet,
Padgett,
Palmer,
Parker,
Payne,
Pearre,
Pou,
Powers, Me.
Powers, Mass.
Pugsley,
Randell, Tex.
Reeder,
Reeves,
Reid,
Rhea,
Richardson, Ala.
Richardson, Tenn.
Rixey,
Robb,

Roberts,
Robertson, La.
Robinson, Ind.
Rucker,
Russell,
Ryan,
Scarborough,
Scott,
Shackelford,
Shallenberger,
Shattuc,
Shelden,
Sheppard,
Showalter,
Sibley,
Sims,
Skiles,
Slayden,
Small,
Smith, Ill.
Smith, Iowa
Smith, Ky.
Smith, H. C.
Snodgrass,
Snook,
Southard,
Southwick,
Sperry,
Spight,
Stark,
Steele,

Stephens, Tex.
Stevens, Minn.
Stewart, N. J.
Sulloway,
Sutherland,
Swann,
Talbert,
Tate,
Tawney,
Taylor, Ala.
Thayer,
Thomas, Iowa
Thomas, N. C.
Thompson,
Underwood,
Vandiver,
Van Voorhis,
Wanger,
Warner,
Warnock,
Watson,
Weeks,
White,
Wiley,
Williams, Ill.
Williams, Miss.
Woods,
Young,
Zenor.

NAYS—6.

Glass,
Hooker,

Kluttz,

Neville.

ANSWERED "PRESENT"—3.

Acheson,

Dayton,

Hopkins.

NOT VOTING—92.

Allen, Me.
Babcock,
Ball, Tex.
Bankhead,
Beidler,
Billmeyer,
Bingham,
Blackburn,
Bristow,
Brown,
Bull,
Cassel,
Connell,
Conry,
Cooney,
Cooper, Tex.
Corliss,
Cousins,
Creamer,
Cushman,
Davidson,
Deemer,
Douglas,

Dovener,
Driscoll,
Dwight,
Edwards,
Elliott,
Flanagan,
Fletcher,
Foerderer,
Foss,
Foster, Ill.
Gardner, Mich.
Glenn,
Goldfogle,
Green, Pa.
Grow,
Henry, Miss.
Hildebrandt,
Hughes,
Hull,
Jett,
Jones, Va.
Joy,
Kern,

Knox,
Kyle,
Lassiter,
Littauer,
Littlefield,
Loud,
McDermott,
Mahoney,
Meyer, La.
Morrell,
Mutchler,
Naphen,
Nevin,
Newlands,
Norton,
Patterson, Pa.
Patterson, Tenn.
Perkins,
Pierce,
Prince,
Ransdell, La.
Robinson, Nebr.
Ruppert,

So the bill was passed.

The following additional pairs were announced:

For the balance of the day:

Mr. FOSS with Mr. PATTERSON of Tennessee.

On this vote:

Mr. LITTLEFIELD with Mr. SULZER.

Mr. BROWN with Mr. BANKHEAD.

Mr. DOVENER with Mr. COOPER of Texas.

Mr. GROW with Mr. KERN.

Mr. WRIGHT with Mr. BILLMEYER.

The result of the vote was announced as above stated.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested: S. 7298. An act to fix the rank of certain officers in the Army; S. 7245. An act amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.; and S. 6931. An act for the relief of Sadie Thome.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7298. An act to fix the rank of certain officers in the Army—to the Committee on Military Affairs.

S. 6931. An act for the relief of Sadie Thome—to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15449. An act to increase the efficiency of the Army; and H. R. 14764. An act to establish United States courts at Wilkesboro, N. C.

The SPEAKER announced his signature to enrolled bill of the following title:
S. 569. An act to establish the department of commerce and labor.

CHESTER, PA., A SUBPORT OF ENTRY.

Mr. DALZELL. I call up a privileged bill—the bill (H. R. 2052) making Chester, Pa., a subport of entry.

The bill was read, as follows:

Be it enacted, etc., That Chester, in the State of Pennsylvania, be, and is hereby, constituted a subport of entry in the customs collection district of Philadelphia, Pa.

Mr. DALZELL. Mr. Speaker, this is a unanimous report from the Committee on Ways and Means. The bill is privileged under the rules.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

SALARIES OF GOVERNMENT OFFICERS AND EMPLOYEES.

Mr. CANNON. I send to the desk, with a request that it be printed as a House document, a letter from the Secretary of the Treasury.

Mr. RICHARDSON of Tennessee. May the title of this document be read by the Clerk?

The Clerk read as follows:

A letter from the Secretary of the Treasury, with inclosures, concerning Government salary tables to be used in payment of salaries of all officers and employees of the Government.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman from Illinois requests an order of the House that this letter be printed as a House document. In the absence of objection, that order will be made.

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

On motion of Mr. CANNON, the House resolved itself into Committee of the Whole House on the state of the Union (Mr. TAWNEY in the chair) and resumed the consideration of the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

The Clerk read as follows:

For the purchase of about 845 acres of land lying south of the Fort Snelling Military Reservation, for use as a target range, at not exceeding \$100 per acre; also for purchase of the improvements thereon, at not exceeding \$25,000; in all, \$110,000, or so much thereof as may be necessary.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 112, in lines 21 and 22, strike out the words "at not exceeding \$100 per acre."

The amendment was agreed to.

The Clerk read as follows:

For construction, including heating and plumbing, of a three-story and basement storehouse at Schuylkill Arsenal, Philadelphia depot of the Quartermaster's Department, \$125,000.

Mr. CALDERHEAD. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 12 on page 113, insert:

"For construction of a 100-bed hospital at Fort Riley, Kans., \$100,000."

Mr. CALDERHEAD. Mr. Chairman, I think that if the Committee on Appropriations had understood the situation at Fort Riley this provision would have been reported in the bill. I think the committee has overlooked the fact that at Fort Riley there has been established by act of Congress a school for drill and practice of cavalry and artillery. All the other schools of this kind have been established by administrative orders from the War Department. In the present case the act of Congress establishing this school provided for its maintenance. The construction of the work at Fort Riley has been going on from time to time since 1887. There are, I think, more than a million dollars' worth of buildings there—all modern buildings, with all the modern improvements. The hospital for that entire post contains only two wards and accommodates only 36 beds. The surgeon of the post and the post commander, and also the surgeon of the department and the department commander of that department, have recommended this appropriation. The Quartermaster-General recommended it in his estimates for the year. I think this recommendation was probably overlooked by the committee or this item would have been inserted in the bill.

Under that order of the War Department, and upon consultation with the officers of the adjacent States, provision has been made for an annual assemblage at Fort Riley of the militia of the several States adjacent to Kansas. At the annual encampment last year about 15,000 men were encamped there for five

weeks in addition to 2,000 stationed at the post. During that encampment the sick were cared for in temporary buildings, sometimes in tents, and were very poorly accommodated.

Sir, in a post of 2,000 or 2,400 men there is usually necessity for from 60 to 100 beds for the ordinary use of the post alone. The building which is now in use for hospital purposes there has been standing a good many years. It is utterly insufficient for this purpose. It can be used for other purposes at the post. So that there is no loss by the disuse of the present building.

But the chief argument in favor of this provision is that it is a matter of necessity for the work of completing the post according to the original plan as intended by the act of Congress which established this post.

Mr. CANNON. Mr. Chairman, it is at all times an ungracious duty, if it be a duty—and it seems to me so in this case—to antagonize amendments which are from time to time offered to this bill. I know quite well that the gentleman from Kansas [Mr. CALDERHEAD] knows that so far as he is concerned personally I would sooner not object to the appropriation than to object to it. It is true that an estimate is submitted for this appropriation. A great many estimates have been submitted which have not been recommended. It is true that a post is established by law at Fort Riley and that it is a great military reservation, and a beautiful one, established many many years ago. There has been a very large expenditure at Fort Riley and also a large expenditure of money at Fort Leavenworth. Fort Riley is some distance out from the Missouri River, on the line, or at least near the line, of a railroad.

Mr. CALDERHEAD. The main line of the Union Pacific.

Mr. CANNON. It is very true that from the appropriation for barracks and quarters the Secretary of War, in his discretion, has made very considerable, and I believe is making very considerable, improvements in the shape of barracks and quarters and otherwise at Fort Riley. I believe it is used to assemble for instruction of cavalry arms, and is perhaps desirable also for other purposes in connection with a militia, or will be. Now, I want to call the attention of the House to this fact, that the appropriation for barracks and quarters of \$1,200,000 in this bill, in the general appropriation, is available for this purpose in the discretion of the Secretary. I want to call attention also to the fact that the appropriation of four millions and three quarters, I believe, for barracks and quarters in the Army appropriation act, which has passed the House and will no doubt be enacted into law, is available for this purpose up to \$20,000. Now, from those two appropriations I think a sufficient hospital can be erected at Fort Riley. In a general way, I know there is a hospital at Fort Riley now. I do not recollect how many beds there are, but suffice it to say it is large enough for the administration of a hospital. It accommodates all the surgeons and assistants necessary and accommodates the nurses and various and divers other people—I think possibly 30 or 40 beds besides.

Mr. CALDERHEAD. Thirty-six beds.

Mr. CANNON. The gentleman says 36 beds. I am under the impression that if there could be something less for the employees there would be more room for beds; but it is a hospital built of stone and can be added to, and here is an appropriation of \$1,200,000 to abandon the hospital and build an entire new one, or here is an appropriation of \$4,750,000 on the Army bill which can be used to build any building or any addition to any building at a cost not to exceed \$20,000 the first appropriation without limit—and the second appropriation limited only to \$20,000. I have an impression that if any additional hospital is needed there, hands down, \$20,000 is enough. I do not criticize the gentleman for offering this amendment. I have no doubt on earth that if I represented his district I should offer it. Ours is a representative Government, and yet, from the standpoint of public service, with the large expenditures being made there from these two general appropriations for additional barracks and every purpose necessary in the discretion of the Secretary of War, I think, with the liberal general funds we give, we better leave it in the discretion of the Secretary for the coming fiscal year. That is all I want to say.

Mr. CALDERHEAD. Mr. Chairman, what the gentleman has just said is not quite sufficient to satisfy me, and it would hardly satisfy himself if he were required to analyze it. It is not a political question at all in the Fifth district of Kansas as to whether there will be a stone laid in Fort Riley or not.

Mr. CANNON. Oh, I do not think so at all.

Mr. CALDERHEAD. And will probably not be while I represent that district. The Surgeon-General of the Army recommends this as necessary at that post, and in doing so uses this language:

That Congress be asked for a special appropriation of \$100,000 to erect a modern hospital for 100 beds at Fort Riley, Kans. This is considered necessary on account of the increased garrison and the fact that it is proposed to have a large camp of instruction or for assembling volunteers upon the Fort

Riley Reservation. It is not believed that the present hospital can be enlarged in a satisfactory manner and with economy, but when the new hospital building is completed the old hospital can be utilized for other purposes.

The post surgeon remarks: "The large amount of sickness at this post with small hospital accommodations is felt more at the present, and patients can be accommodated only by overcrowding all available wards and rooms. With the contemplated increase of the post, especially with additional large summer encampment, more room will constantly be needed for hospital accommodations at this post."

"I believe under these circumstances that the hospital at Fort Riley should be large enough to comfortably accommodate a hundred patients, with necessary Hospital Corps attendants. Even with the present comparatively small garrison, the daily average number of patients in this hospital had been about 60; a hundred-bed hospital would not, in my opinion, be too large for this post to provide for its needs as enlarged."

The post commander states: "It is evident that the hospital accommodations at this post are entirely inadequate and will be more so as the strength of the garrison is increased, as it is almost certain to be in the near future."

"If the necessary money can be had, I would recommend that a new hospital with all the modern improvements and conveniences be erected, using the present hospital building for the hospital corps and for everything else not pertaining to the hospital proper."

"The erection of a number of temporary buildings may be a necessity, and on that ground alone may be tolerated; but they are unsightly and objectionable for many reasons, some of which, such as their combustibility, discomfort during the long hot summers usual in this part of the country, etc., need only to be mentioned to be appreciated."

The chief surgeon of the Department states: "The necessity for increasing the hospital accommodations at Fort Riley is evident. While a frame structure was built as a temporary measure, yet I am not in favor of continuing that plan, which was adapted to meet an emergency."

"I fully concur in the views of the post commander as to the propriety of erecting a large new hospital sufficient for the prospective needs of the command, and believe also that it would be more economical in the end, as well as far better adapted for administrative purposes."

The department commander also approves the construction of a new hospital, the necessity for which is quite evident, and it is considered that a modern hospital as is herein asked for should be erected, the estimated cost of which is \$100,000.

It will be impossible to erect this building from the regular appropriations of the Department, and it is therefore respectfully requested that if possible a special appropriation for the purpose be made.

Now, it is evident enough that a hospital of the kind that the post needs and that the Surgeon-General thinks it needs can not be erected for \$20,000, and if it can not be erected for \$20,000 then not a dollar of these \$4,000,000 about which the gentleman speaks so eloquently can be used for that purpose at all. Twenty thousand dollars of it might be used for the erection of a temporary building, but that is not what would be needed at Fort Hamilton or at Fortress Monroe or any of the old forts that were established by act of Congress. There never was a minute of time spent debating about whether \$200,000 should be used at Fort Hamilton two years ago, and there never was a minute of time spent debating about whether \$110,000 should be appropriated to buy a target range at Fort Snelling.

And yet it is not thirty minutes since the item appropriating \$110,000 to buy a rifle range was read in silence here in the Committee of the Whole. Here is a matter that is imperative. Here is a matter at a permanent post of the Army, where never less than a full regiment of cavalry and a full regiment of artillery will be encamped, and where continually additional troops will be brought from other forts for the purpose of drill and practice in field movements. Here is one of the largest reservations that the Government has for that purpose, 15,000 acres, and not a dollar necessary for the purchase of a rifle range or any other territory for the drill of the troops. Here is an improvement that is necessary now, and that if it were not necessary now at such a post as this must evidently become necessary if the post is to remain a permanent post. There is no evidence, either in the condition of the Army or of the Army post or of the temper of the War Department, that the post will ever be abandoned.

The time of Mr. CALDERHEAD having expired, by unanimous consent, at the request of Mr. CANNON, it was extended five minutes.

Mr. CALDERHEAD. I only wish a few minutes. I agree with some things that the eminent chairman of this committee [Mr. CANNON] said yesterday concerning the number of military posts that are in existence that are not necessary. It would be right difficult for me to say why a military post should be necessary in the State of Iowa at all, with her peace-loving inhabitants and the location in the heart of the country, protected by all the other eighty millions of people that live in it. I see no necessity for it there. And yet it is not two years since, at a town that no other member of the House is able to name now, you appropriated \$400,000 for a post, and there was not two minutes' discussion about it. No man in the House knows whether there is a brick or stone or frame building upon that location or not.

I am speaking for this matter now as a measure which has been earnestly recommended by the Surgeon-General and by the general commanding the Department of Missouri, speaking for a permanent building for a permanent post; not as a matter that can be of any special benefit to myself or to the district I live in, but as a matter of necessity for the proper care of the troops that will be maintained there. It was decided that a school for drill and practice of the Army was proper and necessary when the original act passed to establish this post.

Not far away from us, at Fort Leavenworth, is a reservation, I think, of 1,200 or 1,500 acres. It is a beautiful post, and has historic memories connected with it. It has been designated by the War Department as a training school for infantry and cavalry in field movements. It is a delightful parade ground, but it has not the area for field movements that Fort Riley has. Yet within the last two years three times the amount of money which is now asked for has been expended upon buildings at that place. This hospital is a necessity at this place, and if this matter had been considered, I think, as I am now presenting it, there would have been no question about the committee putting it in the bill.

Mr. SIMS. I rise to ask to have printed in the RECORD as a part of my remarks an editorial taken from the New York Sun of this date, which does not bear upon this bill, but bears upon the bill that has just been considered.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print as a part of his remarks an editorial from the New York Sun. Is there objection?

There was no objection.

The paper referred to is as follows:

THEODORE ROOSEVELT'S GREATEST SERVICE TO HIS COUNTRY.

What is now called "the President's programme" of legislation for Federal suppression of business appears to be nothing more or less than this:

The rejection of all the more radical measures proposed by Senators or Representatives, or Judiciary committees, or unofficial sociologists, or even by Attorney-General Knox.

The elimination of every plan or proposal which by the utmost strain of courties of language can be described as a real sure-enough trust buster.

The progressive refinement of the original demands of strenuous conviction down to the point where the passage of the Elkins antitrust bill and the enactment of the department of commerce bill, with its mildly statistical bureau of information, are regarded as "satisfactory" by the President.

Let no candid person withhold from Mr. Roosevelt the immense credit that belongs to him for his present efforts, between 11 o'clock and noon, to undo, as far as possible, the mischief wrought in the darkness and unwisdom of the early hours of the morning. Consider what it is he is now doing for the cause of sanity and constitutional government! He had delivered on the stump a series of speeches which could scarcely be distinguished from Mr. Bryan's utterances on the same subject. He had inspired by suggestion the great mass of incendiary measures that are piled high in the document room of the Capitol, like a harmless monument in memory of his initial mistake. He had spurred on Mr. LITTLEFIELD to a rivalry which resulted in that statesman's discomfiture and disgust. He had even set ablaze the sociological imagination of the venerable Mr. HOAR. He had carried the white plume of Rooseveltian leadership far to the front of the attack on the foundations of business confidence and national prosperity. He had done all this and much more in the emotional earnestness of his misunderstanding of his mission and duty at Washington.

But so soon as the President clearly perceived the disastrous potentialities of the forces he had invoked and the true direction and significance of the movement he had inaugurated—and he has apparently had the wit to perceive the same before it was too late—no foolish consideration of personal consistency or pride of individual opinion prevented him from facing squarely about and bracing himself with all the force of his will to withstand the onset of the revolutionists.

We accordingly find him now employing the enormous power of his office to check the raid upon the United States Constitution; to allay the dangerous sentiment aroused by the speeches of last summer; to defeat the plans of the radical experimenters and innovators. The measure of the conservative influence Mr. Roosevelt is now exerting may be found in the circumstance that his programme includes even the repudiation, as unconstitutional, of the bill drawn by poor Mr. LITTLEFIELD to meet the suggestions so elaborately conveyed to the Judiciary Committee by the President's legal adviser, the Attorney-General.

May it prove that Mr. Roosevelt is not too late in his revised conception of the Presidential mission!

More power to his elbow! He is now attempting, under disadvantageous conditions, the greatest service it has yet been his privilege to render to the nation. The ride up San Juan Hill was nothing to this masterly retreat to the cover of common sense.

Mr. CANNON. Mr. Chairman, just a single word and then I will be ready for a vote. The gentleman is correct. The appropriation for \$4,750,000 is only available at Fort Riley or the other forts, first, for repairs and maintenance; second, for the construction of additions to buildings or the construction of new buildings not exceeding in cost \$20,000. That is correct. My friend emphasized that. But my friend—and that is just as I would have done if I had been making his speech—did not emphasize the fact that the appropriation in the sundry civil bill for barracks and quarters for \$1,200 may be used, every dollar of it, in building hospitals, one or a dozen, at Fort Riley or Fort Leavenworth, or anywhere else, without limit as to cost. That is a general appropriation. If it be important for this hospital, the Secretary has discretion. The gentleman says that we have just read past a provision to buy 800 acres of land at Fort Snelling for a rifle range.

A full hearing and the necessity for the appropriation to be made by provision of law before it could be bought, and at that great post it seemed to be necessary, because it is the post near St. Paul and Minneapolis, which is always to remain a post, as it always has been, and as they could not use the general fund for that purpose, therefore a special appropriation was made. Fort Riley was authorized almost a generation ago. There was a large expenditure of money, and it is a magnificent reservation—my friend says 15,000 acres—somewhere about the central or western part of Kansas, and another at Leavenworth. Senator Plumb, as I recollect, had much to do with the selection of the location of

this site and was a very strong friend of it during his time. Somebody else came in as Secretary of War, and Fort Riley went into innocuous desuetude.

Under the present practice, in the discretion of the War Department, Fort Riley again bloomed, and very considerable—I was about to say large—expenditures were made, not by special appropriation, but from the general appropriation for barracks and quarters. My friend says the prospective use would require a large hospital. I submit, on the other hand, two-thirds of the posts we have now could be dispensed with, and I wish we could wash our hands of them from the changed conditions. My friend very well says there is not much danger to the public peace in Iowa, nor is there much danger to the public peace in Kansas. In fact I believe I would rather cast my lot in Kansas than Iowa. I have said all I want to about it. The committee is in possession of it, and I am content with a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. CALDERHEAD. Division.

The committee divided; and there were—ayes 10, yeas 19.

So the amendment was rejected.

The Clerk read as follows:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners; maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, and for the purchase of land already authorized by law, \$40,000.

Mr. MADDOX. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 16 insert the following:

"Provided further, To enable the Secretary of War, through the commissioners of the Chickamauga and Chattanooga National Park, to improve the road from Crawfish Springs, Ga., through the Widow Davis's Cross-Roads and Bailey's Cross-Roads, to Stevens's Gap, a distance of 12 miles, \$25,000."

Mr. CANNON. Mr. Chairman, to that amendment I make the point of order that it is for the improvement of a road or roads not owned by the United States, but in the State of Tennessee or Georgia, one or both, and not authorized by law.

Mr. MADDOX. Mr. Chairman, I hope the gentleman will reserve his point of order.

Mr. CANNON. Oh, yes; I will reserve the point of order.

Mr. MADDOX (continuing). And let me see if I can not persuade him to accept the amendment.

Mr. CANNON. I will reserve the point of order, if the gentleman desires.

Mr. MADDOX. Mr. Chairman, I send to the desk and ask to have read a letter written by General Boynton to Senator CLAY, of Georgia.

The Clerk read as follows:

CHICKAMAUGA AND CHATTANOOGA
NATIONAL PARK COMMISSION,
Washington, January 3, 1903.

DEAR SIR: In reply to your inquiries concerning the historical importance of the road from Crawfish Springs to Stevens Gap in connection with the establishment of the Chickamauga and Chattanooga National Military Park I have the honor to say that this was the road over which and along which the main operations of the Union Army preceding the battle of Chickamauga took place, and which is indicated upon the map herewith inclosed by dotted lines in blue, the distance being 12 miles.

The corresponding road over which and along which the operations of the Confederate army took place previous to the battle of Chickamauga is indicated upon the map by the red line on the east side of Pigeon Mountain, extending from Lee and Gordon Mills to Lafayette, a distance of 13 miles.

As the line of the preliminary operations of the Confederate army has already been improved, it would seem entirely appropriate that the corresponding line of operations of the Union Army should also be improved. These preliminary operations of both armies were of an exceedingly interesting character and had most important bearings upon the results of the campaign.

In view of the annual maneuvers which are now contemplated from the national park as a general rendezvous for portions of the Regular Army and the National Guard of most of the States south of the Ohio and the Potomac and east of the Mississippi, it would seem advisable to have one important road along the main line of both Confederate and Union operations. The completion of the line now in question would accomplish this. This would leave various unimproved branch roads running from these main lines of operations into the numerous theaters of detached engagements, and thus leave abundant lines of rough roads for practice over ordinary country lines of travel.

The right of way over this road has already been ceded to the United States by the State of Georgia. It is believed that this road can be completed for the sum suggested in your proposed amendment.

Very respectfully,

H. V. BOYNTON.

Hon. ALEXANDER S. CLAY,
United States Senate, Washington, D. C.

Mr. MADDOX. Now, Mr. Chairman, it will be seen by this communication that the road from Lafayette, Ga., where General Bragg marshaled his forces to march to the plains of Chickamauga, has already been improved. Where General Rosecrans marshaled his troops, at Stevens Gap, and marched from that place to the battlefield, has not been improved, and this

amendment simply asks that what has been done for the Confederates on that side be done for the Federals on the other. I do trust that the gentleman from Illinois will not insist upon the point of order. The State of Georgia has already ceded its rights to this road to the Federal Government, and this Commission ought to have something to do. If I remember correctly—in fact, I have the figures here that the gentleman himself furnished me at the last session of this Congress—we appropriated \$50,000 for that Commission, and it was shown in your own statement that \$25,000 of that sum was paid in salaries. Now I see you make an appropriation of \$40,000 this session. I apprehend there will be no falling off in the salaries, and that these are still to be paid. If that is true, there is \$15,000 left. If \$25,000 have been paid out for salaries, with the addition of this sum of \$25,000 this road can be built and these people will have something to do. I am satisfied this House would grant it if the gentleman will waive the point of order.

Mr. CANNON. Mr. Chairman. I only want to say that it takes two to make a bargain. The State of Georgia can not throw the burden on the United States to improve their roads by merely ceding them unless the United States accepted them, and probably then can not. Now, on that wonderful march of Sherman from Atlanta to the sea I understand there were a good many roads, and if there is any trouble about giving this Commission employment, why there is a thousand miles in Illinois that we could cede.

Mr. MADDOX. I can not hear the gentleman.

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. CANNON. Oh, he just wants me to talk a little louder. I will not be responsible for the marking of one road or the improvement of 12 miles on one road near Chickamauga Park that the United States does not own.

I will say to the gentleman that in this matter of improving roads I have half a dozen in mind. I am compelled to insist on the point of order.

Mr. MADDOX. I would like to say that this construction has no connection with General Sherman's march to the sea; that was before he got there.

Mr. CANNON. That was a wonderful march; quite as important and quite as interesting, and why not preserve that road?

Mr. MADDOX. While it was a wonderful march, it was nothing compared with the battle of Chickamauga. There was nothing in this century, nor in the last, nor in the one behind it, to compare with it.

Mr. CANNON. Well, I will let the gentleman settle that with the Gettysburg people.

Mr. MADDOX. I am willing to talk with them. I happened to be down there on this side with one or two others. This is a matter that I have presented to the House at the request of others, that you do for the Union army what you have done for the Confederate army. If the gentleman from Illinois insists on his point of order of course I can not help it.

Mr. CANNON. I am compelled to insist upon it.

The CHAIRMAN. Under the rules the Chair is compelled to sustain the point of order.

The Clerk read as follows:

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, to be disbursed under the direction of the Secretary of War, \$152,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Illinois if the language in this provision covers soldiers in the recent war, the Spanish war, and the Philippine trouble, or war, if you can call it a war. Do they have a right to have artificial limbs given them under this provision?

Mr. CANNON. I am under the impression that it covers them. I can not answer certainly. If the law allows it the appropriation would be available. If the law does not allow it the law ought to be amended, if such be the sense of Congress. I can tell on a little investigation.

Mr. GAINES of Tennessee. I am sure no one in this House, or out of it, would object to putting legislation in this bill extending this privilege to them if there is any doubt about it. I hope the gentleman will investigate the question in time for us to insert an amendment so as to make it applicable to soldiers of the late wars. I have made inquiry on this side and no one seems able to tell me whether it does apply to soldiers in the recent war or not.

Mr. CANNON. Upon investigation I find that it does apply to the soldiers in the Spanish war.

The Clerk read as follows:

For the completion of said Battle Mountain Sanitarium, and for each and every purpose connected therewith, including all buildings necessary in the discretion of and approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers; and the said board shall cause to be procured plans for all buildings authorized herein and in the act of May 29,

1902, establishing said sanitarium, based upon accurate estimates, and cause the same to be constructed within said estimates, and cause to be furnished all other useful objects authorized herein or by said act, to the end that said sanitarium shall be completed and ready for occupancy and operation in all of its details within the sums herein and heretofore appropriated for the establishment of said sanitarium, \$350,000.

Mr. MARTIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 17, on page 132, insert "for the purpose of acquiring additional land in connection with the site heretofore donated by the people of Hot Springs, S. Dak., for a national sanitarium for disabled volunteer soldiers, which may be acquired either by purchase or condemnation, \$10,000.

The amendment was considered and agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 12, 1903:

H. R. 2441. An act for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

H. R. 7007. An act for the relief of the legal representatives of Maj. William Kendall;

H. R. 11858. An act for the relief of William E. Anderson; and

H. R. 15198. An act defining what shall constitute and providing for assessments on oil-mining claims.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For president of the Board of Managers, \$4,000; secretary of the Board of Managers, \$2,000; general treasurer, who shall not be a member of the Board of Managers, \$4,000; inspector-general, \$3,000; assistant general treasurer and assistant inspector-general, \$2,500; 2 assistant inspectors-general, at \$2,500 each; clerical services for the offices of the president and general treasurer, \$10,500; messenger service for president's office, \$144; clerical services for managers, \$3,900; agents, \$1,800; for traveling expenses of the Board of Managers, their officers and employees, \$15,000; for outdoor relief, \$1,000; for rent, stationery, telegrams, and other incidental expenses, \$6,000; in all, \$53,844.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 133, line 11, strike out "ten thousand five hundred" and insert in lieu thereof the words "twelve thousand."
In lines 18 and 19 strike out the words "fifty-eight thousand eight hundred and forty-four" and insert in place thereof the words "sixty thousand three hundred and forty-four."

The amendments were agreed to.

Mr. CANNON. I also offer the following amendment.

The Clerk read as follows:

On page 133, after line 17, insert "appropriation herein or that may hereafter be made for the construction of buildings or appurtenances at any Branch National Home for Disabled Volunteer Soldiers shall be available immediately after the passage of the act containing the same."

The amendment was agreed to.

The Clerk read as follows:

State or Territorial Homes: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, \$950,000: *Provided*, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against the proviso in the paragraph just read. The act of August 27, 1888, requires the Federal Government to appropriate \$100 each for every member of a State Soldiers' Home who is eligible for admission into a National Military Home. The law is without limitation or qualification. This paragraph purports to appropriate \$950,000 in pursuance of that law, presumably \$100 for each inhabitant of a State Soldiers' Home eligible for admission into a National Home.

The proviso undertakes to take from the various State Soldiers' Homes a portion of a fund which they may legitimately avail themselves of. The proviso is not a limitation. The paragraph appropriates a fixed sum of \$100 each for every member of the State Soldiers' Homes in accordance with the original law, and then the proviso says that certain funds received by various State Soldiers' Homes shall be placed to the credit of the Federal Government on that account, and therefore it is new legislation. I believe it is obnoxious to the rule. The original law is very clear and plain, and this is clearly new legislation. It is clearly an attempt by this bill to take from the State Soldiers' Homes funds that legitimately belong to them.

Mr. CANNON. Mr. Chairman, there is an act of Congress, if I recollect aright, that provides or rather authorizes an appropriation from the National Treasury of \$100 a year to each member of

the State Homes. Now, then, for a number of years back this proviso has been upon appropriation bills. I might perhaps rest there and say that the law for the current year is sufficient to avoid the point of order. But I will place my position upon what seems to me to be the true ground. In fact, some of the States reserve the pensions of soldiers, or a portion thereof, for the benefit of the State Homes, whereas the United States pays \$100 per member in the State Home toward his maintenance. The cost in round numbers for maintaining a member of the State Home in the National Home is about \$125.

Now, this is a limitation. We have a right in appropriating this money to place a limitation upon its expenditure. It is equitable that we should do so; otherwise the State could take half the soldier's pension or all of it and dedicate it to the general use of the Home, and still get the \$100. That is not equitable. Under the power to limit the use of the money from one year to another, this provision has for many years run in the annual bills. We might refuse to appropriate anything. The law gives \$100, but we could withhold all appropriation. That is a familiar position to the Chair. Or we can give the appropriation with such limitations as seem to us proper. We might provide, if we chose, that one-half of this money should be devoted to food—

The CHAIRMAN. Will the gentleman allow the Chair a question? Does the gentleman say that this proviso is now the law?

Mr. CANNON. I say that for many years this proviso has been upon each annual bill.

The CHAIRMAN. Is it not, then, permanent law?

Mr. CANNON. Well, for the purposes of the rule, it has been held that the law for the current year is sufficient to authorize a provision in an appropriation bill for the coming year. That has frequently been held.

In addition to that, however, I take the broader ground that as Congress can not be compelled to make appropriations, we can place limitations upon the money we may choose to appropriate. If the Chair will follow me, I will read the language of the bill:

Provided, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

In other words, in one case \$100 is to be paid, but where \$5 a month or \$5 a year is deducted by reserving that proportion of the pension, then we appropriate only \$95, or whatever else may be the proper sum. It is a matter of computation.

Now, it is entirely competent for us, instead of appropriating \$100, to appropriate \$50, or to affix any other condition that we see proper by way of condition upon the appropriation for the year. In this instance it amounts to an appropriation of less than \$100, the amount to be ascertained, namely, one-half of the amount that has been retained by the State home from the pension of the member of that home, in which case the \$100 appropriation is cut by just that much. How much I can not tell; but in law that is certain which may be made certain, and when you come to the payment of the money and the approval of the voucher this is rendered certain.

Mr. CRUMPACKER. Mr. Chairman, I submit that the position of the gentleman from Illinois is not at all tenable. In the first place, the object of the rule is to prevent legislation on appropriation bills. When Congress has enacted a law which is clear and unequivocal and unconditional in terms, authorizing an appropriation, that should be the guide of the committee and of the House in determining questions of order arising upon an appropriation bill.

Now, the mere fact that in times past appropriation bills may have had this same proviso does not operate to repeal or change the law in any way. Each appropriation bill is only an appropriation for the fiscal year to which it applies; and for that one year, for instance, the appropriation is made with the proviso. But we are appropriating now for a new year. The original law is the basis of the authority, and the original law prescribes the duty of Congress to make the appropriation. So that I do not think there is anything in the two, three, or four precedents that may have been established in appropriation bills in the past to justify this provision.

There is nothing clearer to my mind than that this is not a limitation. The Chair is doubtless familiar with the technical distinction between conditions and limitations. This is an appropriation, on its face, for \$100 each for all the inmates of the various State Soldiers' Homes that are eligible to the National Military Homes. Then it is provided that certain funds, of which the State Homes have a right to avail themselves under the law, shall be applied in the reimbursement of expenditures under this appropriation. An appropriation of \$100 for each inmate, to be expended this way or that way, would be, perhaps, a proper limitation; or an appropriation of a less sum than that required by law would not be obnoxious to the rule against legislation. But where the appropriation is made for the full sum, the proviso is equivalent to legislating that State Homes shall not take more than

one-half of the pensions of members—over \$8 a month, for instance—when there is no law to prohibit them from taking that sum.

If it is contrary to the policy of the Federal Government to permit the State Soldiers' Homes to take any portion of the pensions of members, there ought to be legislation to prevent it. This is an attempt to legislate halfway on the question. It is legislation, and it is new legislation, preventing the State Soldiers' Homes from taking more than one-half of the pensions above a certain rate of soldiers who are sheltered and protected and subsisted in those institutions. That is the effect of the bill.

Mr. GILLETT of Massachusetts. If this is legislation, then of course the same provision last year was legislation.

Mr. CRUMPACKER. Yes.

Mr. GILLETT of Massachusetts. Then, if last year was legislation, why is it not now established law?

Mr. CRUMPACKER. Just for this reason. There may be legislation upon a particular appropriation. It may not be permanent and continuing and running legislation. It is legislation, nevertheless, for the fiscal year to which this appropriation applies, and if this provision was in the appropriation bill last year it was legislation for that year only. It was legislation as far and as long as the appropriation bill continued to be operative.

The CHAIRMAN (Mr. TAWNEY). The Chair will say that this paragraph appropriates or authorizes the payment of a certain sum of money in continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, which is now the law. This proviso, in the judgment of the Chair, is clearly a limitation upon that appropriation. It says that "one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for." This, in the judgment of the Chair, is clearly a limitation in the paragraph on the appropriation which precedes the proviso. Under the rule of the House, and uniformly followed—and, as has been said, this rule has become the parliamentary law of the Committee of the Whole—this proviso being a limitation, it is clearly in order. In view of the statement of the gentleman from Indiana [Mr. CRUMPACKER], in which he invokes the legal distinction between limitations and conditions, I will read from the precedents an opinion given by the late Mr. Dingley, as Chairman of the Committee of the Whole, in which he says that "in order to be considered as a limitation or restriction a provision must prohibit the use of the money for some purpose already authorized by law." This proviso in effect prohibits the payment of so much of the appropriation as may be equivalent to the amount deducted by these State institutions from the pensions received by inmates thereof. The Chair, therefore, thinks that the point of order is not well taken, and overrules the same.

Mr. CRUMPACKER. Mr. Chairman, I invite the attention of the House to the paragraph of the bill under consideration which carries an appropriation for the maintenance of soldiers in the State and Territorial Homes. That paragraph is as follows:

State or Territorial Homes: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, \$950,000: *Provided*, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

The motion I made is to strike out the proviso which takes from State Homes one-half of all pension moneys that may have been withheld from those who are admitted as members in those institutions and turns it into the Federal Treasury. A number of years ago Congress began the construction of national military homes for the support and maintenance of disabled volunteer soldiers of the various wars of the Republic. There are now quite a number of such institutions in various parts of the country, distributed geographically so as to meet the convenience of those who may find it necessary to take advantage of this generous provision of the Government.

It was a most creditable thing to do, and these splendid institutions, which are standing monuments of the gratitude of the people, now furnish comfort and shelter to thousands and thousands of those of our citizens who contributed so much in time and sacrifice for the preservation of the country. It is but the amplification of the magnanimous policy of the Government toward those who bore the brunt of battle and gave so much of their energy and substance for the common good.

This country pays in pensions to its soldier citizens upward of \$140,000,000 a year, several times as much as is paid by all of the other nations of the earth combined for this purpose, and yet in the distribution of this vast fund to the benefactors of the country, the individual allowances in many instances are so small that they do not provide the comforts and even the necessities of life, and where the recipients have no other means of support

it is necessary that some provision be made for their maintenance. It would be a lasting reproach to the Government to permit any of its gallant defenders to be cared for in the common almshouses of the country. Hence the policy of establishing and maintaining national soldiers' homes.

The function of administering public benefactions generally belongs to the States rather than the nation, but the surviving soldiers of the wars of the Republic are justly regarded as wards of the nation. They have a just claim upon the whole country, that in their declining years they be saved from want and destitution. While the pension appropriations are very large, and, as a rule, are equitably distributed, in a great many cases, for technical reasons, worthy claimants do not receive that which they are justly entitled to. It is impossible to distribute so vast a fund among so large a number and do exact justice to all. It is the policy of the Government, however, to come as near complete justice and equity in bestowing pensions as is possible, and the system is being gradually improved.

The National Military Homes are objects of pride and congratulation on the part of all. They are well provided, well managed as a rule, and everything is done that is possible to add to the comfort and happiness of those who take refuge therein in their decrepit and declining years.

It was my privilege recently to visit the National Home located at Marion, in the State of Indiana, for which that State is indebted chiefly to my colleague [Mr. STEELE]. It is a magnificent institution, indeed, located upon a beautiful site, with surroundings and appointments well-nigh perfect; good food, comfortable shelter, and efficient hospital service are afforded; church service, entertainments, music, and literature are supplied, and everything is done that can reasonably be expected to make the institution as pleasant and home-like as possible.

National Military Homes admit only honorably discharged volunteer soldiers and those who find it necessary to avail themselves of this beneficent provision of the Government, if they are married and have families, are compelled to leave their wives and families on the outside. Upon my visit to the Home at Marion I saw upward of 2,000 grim and grizzled veterans of the civil war who were marching down the western slope of the hill to meet the last great enemy of mankind, and the picture was one of mingled inspiration and pathos. There were 2,000 men, advanced in years, who, thirty-five years ago were the very pride and flower of American manhood—then the strength and the glory of the Republic, now its helpless wards—marching on with hope and facing the future with sublime confidence. I was profoundly reminded of the fact that the great remnant of that once splendid army is rapidly fading away and in few more years it will live only in the memory and in the affections of a grateful posterity.

While that Home, as a type of others, seemed to be perfect in all of its appointments, and is perhaps as good a substitute for a home as it is possible for the Government to provide, yet it is not home in the real sense. In it there are only men—a monotony of men. Many of them have wives and children living on the outside, and perhaps struggling with poverty and illfortune as best they may. Those Homes provide for the physical comfort of their members as well as it can be done, but people advanced in years need something besides food, clothing, and shelter. The companionship of the wife with her tender care and sympathy is an essential thing in a real home, and no Government can supply a substitute for it.

To meet this aspect of the situation and to prevent the severing of real home ties and the separation of man and wife, the various States several years ago began the construction of State Homes into which honorably discharged volunteer soldiers could be admitted with their wives, and widows of dead comrades were likewise made eligible. For the purpose of encouraging the construction of State Homes of this character, in August, 1888, Congress passed a law providing that the Federal Government should contribute to the States \$100 a year for every soldier who was supported in a State Home and who was eligible for admission in one of the National Military Homes. In pursuance of this law, and with the expectation of receiving the benefit of the provision contained therein, the State of Indiana, among others, constructed a Home on the banks of the Wabash River in Tippecanoe County, in the district which I have the honor to represent in this House. It is a magnificent institution, beautifully located, arranged upon the cottage plan, and it now has a membership of about 500 men and 350 women. It is most efficiently managed, and everything possible is done to promote the comfort and happiness of those who find shelter within its portals.

It was a noble conception. In the Indiana Home aged veterans, with their wives, find support and maintenance. They live together in cottages, many of which are built by the various counties of the State, and are a comfort and a solace to each other in their declining years. The tender hand of the wife decorates and

adorns the rooms and the homes and gives the whole institution an air of refinement and affection that comes more nearly fulfilling the requirements of a real home than it is possible to otherwise be. Besides, there are a number of widows of deceased soldiers in the institution who loan to it the refining and helpful influence of their womanhood. It is an institution in which every citizen of the State of Indiana feels a patriotic pride. I speak of this Home particularly because I know more about it personally, and I regard it as a type of State Homes generally.

Mr. STEELE. Mr. Chairman, I would like to ask my colleague a question.

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I do.

Mr. STEELE. In the National Homes the pensions are not withheld from the soldiers?

Mr. CRUMPACKER. I understand not.

Mr. STEELE. In the State Homes many of the soldiers are receiving in excess of \$12 a month?

Mr. CRUMPACKER. Yes; some, perhaps.

Mr. STEELE. The cost of maintaining a man in a National Home now, with everything so very high, is \$141.57?

Mr. CRUMPACKER. Yes.

Mr. STEELE. In the State Homes, if you deduct \$240 a year from the man who is drawing a \$20 a month pension or \$144 a year from the man who is drawing about the average pension, there would be \$240 a year or \$144 a year go to the State Homes, deducting all the pension?

Mr. CRUMPACKER. Yes; upon that hypothesis.

Mr. STEELE. Is it fair to the veterans in the State Homes that those great institutions should be made unpopular by deducting from them the pensions they receive to pay their own keep while there are no such deductions in the National Homes?

Mr. CRUMPACKER. I expect to discuss that aspect of the question presently. In order to assist in defraying the expenses of maintaining wives and widows of soldiers most of the States require soldiers admitted to State Homes to turn over to the Home fund a portion of the pensions they receive from the Federal Government. Twenty-seven of the States of the Union have State Soldiers' Homes, and of this number twenty-one receive some portion of the soldier's pension or pay, and six allow the soldier to dispose of his full pension as he chooses. Those requiring a portion of the pension are California, Colorado, Idaho, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, and Wyoming.

The States which require nothing from the soldier as a condition of admittance are Connecticut, Illinois, Iowa, Missouri, Nebraska, and Oregon.

It is one-half of this fund that is accumulated from the pensions of soldiers in State Homes that the proviso in the paragraph of the bill which I have read requires to be turned over to the Federal Treasury.

I am not here to advocate the policy of taking from the soldier who is a member of either a State or National Home, any portion of the pension that is paid him in part compensation for sacrifices he made for the common welfare. If the matter were for me to decide, I would most likely say that the entire pension should be given to the soldier, to be used for his own benefit in the manner which he deems best for himself, but notwithstanding any views I may have personally in relation to this policy, it is true that twenty-one out of twenty-seven States that maintain Soldiers' Homes do take a portion of the pension money of the soldiers, and the question now is, Should this fund thus created out of the money that belongs to the members of the Homes, be expended for the comfort and welfare of the soldiers of the Homes or shall one-half of it be taken by the Federal Government and put into the common Treasury for the benefit of all the people? That is the question raised by the motion to strike out the proviso of the paragraph contained in the bill. The Indiana Home, I understand, requires each soldier upon entrance to turn over to the management all of his pension above the sum of \$8 a month to be used for the benefit of the Home and for the support of soldiers' wives and widows. Nothing at all is exacted of soldiers' widows who may be drawing pensions.

As a rule, soldiers who are maintained in either State or national Homes draw comparatively small pensions. Men who receive above \$12 a month maintain themselves outside of those institutions, as a general thing. While soldiers' homes are excellent institutions, they are not resorted to as a matter of choice, and men prefer the independence of individual homes and individual life as long as they can afford it. In the Indiana Home there are now about 500 men and 350 women on the rolls. The average attendance of men for the fiscal year ending June 30,

1902, however, was 330.5. This was the basis upon which the Federal Government made its appropriation of \$100 each for the members of that institution. Leaves of absence and furloughs are granted, so that the average attendance is much below the regular registration. The amounts of pensions withheld by the management of the Indiana institution for that year was \$10,025.24.

A provision in the sundry civil appropriation bill for the year 1902 required the managers of the State Homes to turn over one-half of that fund to the Federal Government, and in pursuance of that provision \$5,012.62 were turned into the Federal Treasury to be used for general purposes. With an average attendance of 330.5, the amount withheld from each soldier was \$2.52 a month, showing that the average pension of the men in the Indiana Home is but \$10.52 a month. This is the average. Of course some receive more and contribute a larger share to the common fund and others receive less and contribute nothing.

According to the report of the Boards of Managers of National Homes for the year 1892, the average cost of maintaining members in the various National Homes for that year was \$141.57 each. The Government pays \$100 each for soldiers living in State Homes, and in Indiana the pension fund withheld amounted to \$30.33 each, not counting the wives and widows, so that with the appropriation under the act of 1888 and the pension fund the State receives \$10 less than the cost of maintaining soldiers in National Homes, and a great deal more than that less than it costs to maintain the soldiers in the State Homes. This is upon the hypothesis that the State of Indiana received the entire fund that is withheld from the pensions. In turning one-half of that fund over to the Federal Government, the State received from the appropriation under the law of 1888 and one-half of the pension fund \$115.16—about \$26 less than it costs the Federal Government to support soldiers in its own Homes, to say nothing of the maintenance of the soldiers' wives and widows.

We are told, Mr. Chairman, that the law prohibits the managers of National Military Homes from withholding any part of the pensions of members of those institutions. I concede that this is the law, but at the same time there is such a broad discretion vested in the various Boards of Managers of National Homes that they do require every soldier who enters those institutions to assign and turn over three-fourths of his entire pension to his wife and family, if he have a wife and family, leaving him only one-fourth of his pension to be expended for his own benefit. This, I understand, is a general rule at all of the national homes.

Instead of excluding the wife of the soldier and taking from him three-fourths of his pension for her support at some distant point, the State of Indiana admits the wife and takes from the soldier on an average of \$2.52 a month—less than one-fourth of his pension—to help support her in the institution, so he can have the privilege of her help and companionship. The soldier is allowed \$3 a month to use for his own benefit at his own pleasure. If the average pensions of members of National Homes are the same as those of the State Homes, the member of the National Home who has a wife is allowed only \$2.50 a month for his personal use, and the balance goes to his wife.

There are over 10,000 veterans of the civil war living in the various States Homes and about 8,000 wives and widows of veterans. The States are more liberal in the matter of granting to the members of the various Homes the use of pensions for their own personal benefit than are the Managers of the National Homes. The States support 10,000 veterans, who were defenders and are now wards of the nation, for which they receive from the Federal Government \$100 each per annum—\$41.57 per capita less than it would cost the Federal Government to maintain them. Besides they support and maintain in comfort 8,000 wives and widows of soldiers, for which the Federal Government does not contribute a single cent.

My contention is that as long as the State Homes take any portion of the pensions of the veterans who inhabit those Homes the fund should be used entirely to promote the comfort and happiness of the members of the Homes, and no part of it should be paid back to the Federal Government for the purpose of paying salaries of Congressmen, for rivers and harbors, public buildings, etc. The policy of saying to the State that if you withhold \$3 a month from a soldier who is sheltered and made comfortable in your institution, you shall pay \$1 a month of that small fund into the Federal Treasury is a kind of pinching off policy which borders very close upon "cheese-paring." This fund is not large in any particular institution. It did aggregate last year, however, \$5,012.62 in the Indiana Home, and I submit that that fund, if properly used, might have contributed very materially to the comfort and happiness of many weary and pain-racked veterans in that institution.

Mr. HEMENWAY. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will gladly.

Mr. HEMENWAY. There is nothing in the law that requires the State Homes to retain one cent of the soldiers' pensions.

Mr. CRUMPACKER. Nothing at all.

Mr. HEMENWAY. It is wholly optional with the management of the State Home as to whether or not any portion of the pension is retained.

Mr. CRUMPACKER. Yes; that is true.

Mr. HEMENWAY. Then this legislation does not in any way affect the retention of pensions by the State Homes.

Mr. CRUMPACKER. The Indiana State Home takes all above \$8 a month and uses it for the maintenance of the institution, and this bill says, "You shall divide this fund with the General Government." Those who vote against the proposition to strike out the proviso vote to saddle that much more tax upon their respective States.

Mr. HEMENWAY. Yes; but any legislation passed by Congress does not require the State to retain one dollar of the soldiers' pensions.

Mr. CRUMPACKER. Of course not.

Mr. HEMENWAY. In other words, the State can give the soldier every cent of his pension or keep a portion of it.

Mr. CRUMPACKER. Yes.

Mr. HEMENWAY. But the Government says, "If you do retain any portion of it one-half shall go back to the Government to offset the \$100."

Mr. CRUMPACKER. That is just what I am complaining about. The Government ought not to take the small pittance, for instance, of \$1 a month, which is saved from a soldier who draws \$10 a month, in order that his wife may live with him and get the comforts of a State Soldiers' Home. Who gets the benefit of the half of this fund which the Government takes away? The soldier, or his wife or widow? No. It goes into the Federal Treasury for the benefit of all the people. The State accumulates the fund out of the soldiers' pensions, and the soldier has the right to insist that it shall be expended exclusively for the benefit of himself and comrades and their wives and widows. If a veteran who draws \$10 a month is living in a State Home with his wife, the State institution requires him to contribute \$2 a month of his pension for the support of the institution as part compensation for the companionship of his wife. The proviso requires one-half of that small sum to be turned back to the Federal Treasury, and that is what I am seeking to defeat by my motion to strike out the proviso. My contention is that the fund belongs to the soldiers and should be used for their benefit.

Mr. HEMENWAY. I will say, as far as I am concerned, that I believe the State ought not to retain one cent of the soldier's pension; but if it does, it ought to pay back one-half of what it retains, because \$100 is the cost of keeping the soldier.

Mr. CRUMPACKER. I beg to say to my colleague that I am not an advocate of the policy of taking any part of the soldier's pension for the purpose of maintaining him, but I do insist that if it is taken in accordance with the policy of three-fourths of the States which maintain Soldiers' Homes, it should be expended for the exclusive benefit of the soldier. The gentleman is mistaken in his estimate of the cost of maintaining soldiers in National Military Homes. The reports of these various institutions show that the average cost last year was \$141.57 per capita. The expenses of living was somewhat more last year than it had been theretofore, but the average cost for the last ten years has been above \$135 per capita in Soldiers' Homes, and the Government pays the States only \$100 for each soldier in the State institutions.

The function of disbursing charities, as a general thing, belongs to the States, and the States should be encouraged in maintaining charitable and benevolent institutions. In the course of nature the National Homes will in a few years be depopulated. The residuum of our citizenship from which those institutions are recruited is growing smaller and smaller every year, and in a few more years it will disappear forever. Then those splendid institutions will become useless and will crumble and decay, while, on the other hand, the State, with its various needs and responsibilities, can make a proper use of Soldiers' Homes after they cease to be needed for the maintenance of veterans and their wives and widows.

Therefore I believe that the Federal Government ought to maintain a policy that will encourage States in providing for the comfort and happiness of soldiers not only as a matter of economy, but as a matter of local gratitude. It brings the subject of the sacrifice of the soldiers closer to the people, and the maintenance fund is paid by a direct tax, and the various taxpayers know that in making their contributions a portion of it goes toward making life more comfortable and endurable for those who have such strong claims upon the gratitude and bounty of the country.

The policy of taking one-half of the small funds saved by State institutions from soldiers' pensions is not a commendable one, to

say the least, and I therefore hope that the proviso in the bill to which my motion is directed will be stricken out.

Mr. CANNON. Mr. Chairman, I would like just for a minute to call the attention of the committee to what this proposition does. There are National Homes and State Homes. That provision of law passed many years ago. We appropriate a hundred dollars a year from the National Treasury to the respective States for every soldier that the State cares for in the Soldiers' Home. That is a donation that is made, if you choose to call it that, from the National Treasury. Where the soldier is cared for in the National Home he is completely supported. I said a little bit ago it was \$100 or \$125 a year, what it has been heretofore; but with the increase in the cost of living, provisions, etc., the gentleman says it is now \$141.57. Now, then, here and there the State retains a part of the pension of the soldier in the State Homes for the benefit of the Home—in many of them. Indiana is one; Illinois does not; Pennsylvania does not; New Jersey does not; New York does not.

Now the gentleman says we will take the \$100 in Indiana to the State. Now, mind you, this goes to the State for every member that is in the State Home. If the member in a State Home has not a wife, or if you choose, as many of them have not, near relatives, and is getting \$20 a month pension from the United States, we will take half his pension. Well, now, assume it is \$20 a month that he receives. That is \$240 a year. Now, the State of Indiana takes \$120 of that man's pension and receives \$100 from the National Treasury. That is \$220. The man has no wife. Now, I have heard much of bitter complaint on the part of soldiers who have been members in the Indiana Home at that provision. The gentleman says it is for the purpose of enabling the State of Indiana to care for the man's wife and his children in a cottage at the Indiana Home. If the State of Indiana sees proper to do that, and I am not criticising this matter, it sets the pace for New York, Illinois, Pennsylvania, New Jersey, and nearly all the other States, by taking money from the National Treasury, \$100 a year plus \$120 if the soldier is getting \$20 a month, to carry out this particular policy. Now, that may be a wise policy. If so, let Congress take it in hand, and legislate for all the States and all the members of the State Homes.

Mr. CRUMPACKER. I desire to ask the gentleman a question.

Mr. CANNON. Yes.

Mr. CRUMPACKER. Now, the gentleman says that his idea, as I understand it is, that it is not a proper thing to do to withhold this sacred fund from the soldiers, but if the States will whack up with the Government it will be all right. Is that the attitude the gentleman occupies?

Mr. CANNON. No, no. My attitude is this. Let the provision to pay the pension and to pay the Soldiers' Homes be uniform. Now, then, I say again I have heard much bitter complaint—

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I would like to have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I have heard much of bitter complaint from members of the Indiana Home who have no wives that half of their pensions are retained, if you choose, if that is the amount, or the whole of it, as the case may be, whatever amount it is. What for? At the same time Indiana is being paid \$100 for the keep of the soldier. There is no uniformity. Now, Congress for many years has put this provision on here, and said to the States if you do retain half of this man's pension money we will pay you \$100 less the amount you retain. I think we had better let it alone. I am ready for a vote.

Mr. CRUMPACKER. I desire to say just a word. The gentleman used an extreme case for the purpose of illustration. He took the case of a soldier who drew a pension of \$20 a month for the purpose of showing that the State of Indiana, for instance, withheld \$12 a month, or \$150 a year, approximately. I doubt if there is a member of the Indiana Home that draws \$20 a month.

Mr. CANNON. I used that merely as an illustration, whether much or little.

Mr. CRUMPACKER. As a practical proposition, members of this House know that men drawing \$20 a month maintain themselves outside of Soldiers' Homes as a rule. The average of the pensions in the Indiana Home will not run much above \$10 a month, and the amount that is withheld by the State Soldiers' Homes will not cover the difference between the cost of maintenance and the amount appropriated by the Federal Government. If it is the policy of the Federal Government that pension moneys shall not be withheld in any State Soldiers' Home or National Home, let that policy be expressed in a law where it can be taken up and considered in the proper way and not in an appropriation bill like this. In the next place, the gentleman said in the National Homes the soldiers got all the pension. They do not.

Mr. CANNON. I beg the gentleman's pardon; here is the law.

Mr. CRUMPACKER. I appeal for vindication to my colleague, Governor STEELE.

Mr. CANNON. And I appeal to the law.

Mr. CRUMPACKER. But, regardless of the law, there is such a broad discretion in the governing and managing boards of the various National Homes that they do take three-quarters of the pension from every man that enters within the portals of those institutions for the purpose of maintaining their families. That if what is done in Indiana to-day; three-quarters of all the members of the National Homes—

Mr. CANNON. Now, we can not afford to disagree about the law and the fact. John A. Logan, when he was a Senator, led the fight in the Senate that changed this law, by which it was provided that the members of the Home shall have their pension, and that is the law. Now, then, if there is some regulation by which these people who have families are coerced, so that before they are admitted they part with a portion of their pensions to their families, it is a regulation that stands outside of the law. But there is no regulation by which a man that has no family shall have his pension decreased to support somebody else's family.

Mr. CRUMPACKER. No; but we have in our State a regulation providing that a man who has no family shall have \$8 a month, a good home, comfortable food, and hospital facilities, and all that sort of thing, and if he has a pension of \$12 or \$14 we say, "In order for you to get the benefit of the Home you must surrender all above \$8 a month, so that we may maintain the Home for the benefit of the widows and wives of your comrades." Now, the Home in Lafayette is popular and it is full. If this regulation were so burdensome, members would not remain there. They would go to Marion, or to other National Homes. I think there is nothing in the gentleman's argument.

Mr. CANNON. If my friend will allow me. There happens to be a Branch Home near my home, and it is a matter of weekly and sometimes daily occurrence that soldiers in the Indiana Home, some from Illinois, come and ask me, thinking I have the power to get them into a National Home—to get them in. "Well," I say, "where is your discharge?" And when you come to find the discharge you will find that the National Board of Managers make a regulation that no member of the State Home shall be admitted until after he has been discharged for six months. Otherwise the National Home would be overburdened and the State Home depleted.

Mr. CRUMPACKER. Does the gentleman know of any inhabitants of the Home in his town who are dissatisfied with the place and are seeking for admission elsewhere?

Mr. CANNON. I am speaking of the regulation they have been compelled to make.

Mr. CRUMPACKER. I am speaking of the illustration that the gentleman gave of the dissatisfaction of soldiers from the Indiana Home.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana to strike out the proviso on page 134.

The question was taken, and on a division (demanded by Mr. CRUMPACKER) there were—5 ayes and 27 noes.

So the amendment was lost.

Mr. CANNON. Mr. Chairman, I offer the following amendment to correct a total.

The Clerk read as follows:

On page 133, in lines 20 and 21, strike out the words "seven hundred and sixty-nine eight hundred and eight," and insert "seven hundred and eighty-one thousand three hundred."

Mr. STEELE. On examining the records, I find the cost of maintenance in the National Home to be \$141.57 instead of \$144, and this includes everything—traveling expenses, buildings, fuel, subsistence, etc.

The question being taken on the amendment of Mr. CANNON, it was agreed to.

The Clerk read as follows:

Insular and Territorial affairs: For defraying the necessary expenses incurred in the conduct of insular and other territorial matters and affairs within the jurisdiction of the Department of Justice, including the payment of necessary employees at the seat of government or elsewhere, to be selected and their compensation fixed by the Attorney-General, and to be expended under his direction, \$25,000.

Mr. GAINES of Tennessee. I move to amend by striking out the last word. Mr. Chairman, according to my recollection, this Insular Bureau grew up during the recent Spanish war, or possibly during the Philippine war. It is a product of our recent wars, and it seems to me that after these wars are over the Insular Bureau should be abandoned, because we should have no further need for it. It is an increasing burden, as I will show, even in peace.

I read the following from the report of the hearings before the subcommittee of the Committee on Appropriations of the House,

1903, at page 180, under the same heading found in this bill—"Territorial and insular affairs:"

Insular and Territorial affairs.

Expended for a portion of the fiscal year 1902 \$5,250.11
Expended to December 29, 1902, for the fiscal year 1903..... 6,430.07

The payments made up to December 29, 1902, for the fiscal year 1903, as above shown, represent only a portion of the expense for the first six months of the current fiscal year. The present pay roll of employees in this Bureau, excluding all expenses, is \$19,000 per annum, and it therefore seems apparent that the amount estimated for the fiscal year 1904 is not too large and certainly will be needed.

The estimate for the Bureau of Insular and Territorial Affairs is a regular annual estimate for a new bureau in process of economical and careful development. Persons have been employed only as absolutely needed, and the business is constantly increasing.

Estimated expense for current fiscal year \$25,000.00

Mr. Chairman, here is a bureau that was created, as I have said, according to my recollection, during the wars and because we had a war, created under and by the Secretary of War. And yet in time of peace this bureau is not only in existence, but it is an increasing expense, and it is spoken of as "a new bureau in process of economical and careful development." We are carefully and economically developing this bureau—cultivating it—putting Uncle Sam's pap to its mouth, as it were, every day—in time of peace, although, as I have said, this is a war production and the war is over.

Here is another expense, Mr. Chairman, of "holding to the Philippines," as the President said in his message to Congress of December 2. In that message he congratulated us upon our policy of "holding" them; congratulated us, to use his own words, on "holding to the Philippines." We appropriated \$4,000,000 yesterday of the people's money gathered from taxation in this country from our own people because we are "holding to the Philippines;" and here is a sum of \$25,000—an increase from \$6,000 or \$8,000 appropriated last year.

This new bureau, as I have said, is a war production, an outgrowth of the War Department. Yet this great Committee on Appropriations, headed by the great economist that we all love to listen to, and whom very often we follow upon these questions, has provided in the bosom of this bill for the continuation of this bureau. It is continued here in time of peace. It is a new bureau which, according to the language of the report, is "in process of economical and careful development." And we give it \$25,000 this year. This is another of the natural offsprings and expensive adjuncts—as I take it gentlemen on the other side will say—a necessary outgrowth and appendage of the policy of "holding the Philippines," which we have not tried at any time to turn loose.

These Philippine expenses and conditions there remind me of a conversation I had in Ceylon, August 22, 1901, with an English army officer, Colonel Vershoyle, who said:

I have been twenty-seven years in the English army, in two of England's wars, now in charge of the Boer camp, Ceylon. I wonder that you are embarking in colonialism. Why, the Philippine Islands will weaken you. They will be a nuisance, a heavy expense, lay you open to all sorts of trouble, force you to keep a large army and navy there. Why, if we, or any other nation over here were to get into trouble with you, the first place of attack would be the Philippine Islands. England can put 50,000 soldiers in there in a week.

It is too far from your base of supplies to ever strengthen you, from a military point, and hence a source of weakness, and the money or trade you get out of it will not pay in the long run.

I asked, "Why do you speak this way, and yet England expands?" "Why, sir," he said, "we do not want to expand. Nobody does. We got into the expanding business and we can not stop. Some little nation will tread on our toes over here somewhere on the line—do some devilment—and we have to go over there and fix it up with our guns and take and rule the country to get rid of the trouble. You see we do not do so because we want to, but can not help ourselves. We have got more territory now than we can get along well with. This sort of policy is just what causes the downfall of all countries—Rome, for instance."

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Tennessee will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For printing and binding the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, \$300,000, or so much thereof as may be necessary.

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 15, on page 153, insert the following:

"Whenever any document or report containing illustrations shall be ordered printed by Congress, such illustrations shall not be printed unless the order to print so specifies; and the heads of the Executive Departments, and the heads of bureaus, not connected with the departments, before transmitting their annual reports to Congress, shall cause the same to be carefully examined, and shall exclude therefrom all matters, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports to be necessary and relate entirely to the transaction of public business; and in no case shall the Public Printer permit the insertion in any document, report, or other Government publication, except those emanating from the Patent Office, of any diagram, photograph, half-tone, or other picture or illustration, unless express authorization has been given in writing, with the reason therefor, by the head of the Executive Department by which such document, report, or publication is

issued; and if the same is issued by any bureau or division not immediately under and a part of any Executive Department, then such authorization therefor must be first given by the Secretary of the Interior."

Mr. MANN. I reserve a point of order on that amendment.

Mr. RICHARDSON of Tennessee. I will say to the gentleman from Illinois that I submitted this amendment to the chairman of the Committee on Appropriations; and I think when the gentleman shall hear the reasons for the amendment he will withdraw his point of order. I do not mean to reflect personally on anyone.

In my judgment this is in the interest of good legislation. There is a growing abuse in this matter of printing illustrations, pictures, diagrams, etc., in these reports.

As an evidence of that, if any gentleman will take the trouble to get the report of the Director of the Mint for 1902, and it is only a sample, he will find 50 pages of that report made up of pictures, etc. Some of these pictures are half-tones, some are diagrams of different kinds, and add very materially to the cost of the document. I have taken the trouble to inquire in this one report of this year what the cost is of inserting these 50 pages of illustrations. Under the rule, there are 1,025 copies of this report printed. The cost of printing 1,025 copies with these illustrations is \$1,696.20. The cost of printing the report, which is all we want, without illustrations is \$1,126.50, an increase by reason of the pictures of \$569.44, and that in this one report of the Director of the Mint. I will here publish the letter from the Public Printer on this subject:

GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., February 13, 1903.

HON. JAMES D. RICHARDSON,
House of Representatives.

SIR: In compliance with your request by telephone this morning, I have the honor to give below a statement showing the cost of printing the report of the Director of the Mint for 1902, both with and without illustrations:

1,025 copies, with illustrations, including the cost of engraving \$1,696.20
1,025 copies, without illustrations, would have cost 1,126.50

Respectfully,

F. W. PALMER,
Public Printer.

I undertake to say that there is not a single picture in there that is worth a solitary cent to any legislator or to any private citizen. One of the pictures, as I remember it now, is the picture of a lamp-post that stands on one of the streets in Philadelphia in front of the new mint building constructed there. That picture takes up a whole page, and it cost the Government Printing Office, as I was assured, not less than \$5. There is nothing on the page except the picture of a lamp-post in front of the mint in Philadelphia, and in the whole report there are 50 pages of these illustrations, the cost of which is more than one-third of the entire cost of the publication.

Last year I called attention to the report of the Commissioner of Pensions, which contained illustrations of the interior of the Pension building, a not very handsome structure, as we all know, when viewed from the outside. When it was decorated, however, and pictures taken of the inside, some of them were quite pretty. This is an abuse which is growing. We ought to stop it. This amendment simply provides that when it is necessary to publish illustrations the head of the Executive Department—the Secretary of State, for instance, or the Secretary of the Treasury, as the case may be—that wishes the publication shall simply certify to the Public Printer that it is necessary that these illustrations should go into the publication. I think no gentleman ought to object to the amendment. I do not admit that it is a change in existing law. It is a limitation upon this amount that we are appropriating for public printing.

I do not think that it is subject to the point of order made by the gentleman from Illinois [Mr. MANN], but if it were, I submit to the gentleman that he should not insist upon the point of order, but that we ought to economize to the extent provided for in this amendment. Mr. Chairman, the publication of these documents is a growing evil. The President of the United States in his annual message referred to it. I simply remind you of that fact. He urged upon the heads of these departments and the chiefs of these bureaus and the heads of divisions the desirability of reducing the amount of public printing. This matter of pictures, of course, was not in contemplation by the President when he referred to the mere publication of documents, but this is an evil that we can suppress without interfering with the privilege of printing.

Now, this expense of printing is one that is growing very rapidly. Only a few years ago I had the honor to be the chairman of the Committee on Printing, and served, I think, six or eight years as chairman of that committee. For that reason I became more or less familiar with the Government Printing Office. I have here an estimate that shows the amount appropriated only a few years ago, and the amount appropriated at this time by this bill. This bill itself carries between \$6,000,000

and \$7,000,000, while only a few years ago the bill carried only a little over \$2,000,000. It is growing, and will continue to grow, and if we do not pass this amendment or some similar amendment to stop this abuse, there is no telling to what extent this matter of expense in printing will go. I cite one instance of the case where a man was sent to a far-away possession of ours—not the farthest—to take the census of the United States, and one of the first things he did in his report sent back was to insert his own photograph, so a whole page was taken up in the report to show us the face of the man who was taking the census.

Mr. WILLIAMS of Mississippi. If the gentleman will excuse me, there are also photographs of all our school-teachers, or nearly all, that we sent there.

Mr. RICHARDSON of Tennessee. Certainly. It is an abuse of a privilege that ought to be restrained. I think that the gentleman from Illinois [Mr. MANN] will not insist upon the point of order. I know the chairman of the Committee on Appropriations will not do so, because I conferred with him and called his attention to the fact that I desired to offer this amendment.

Mr. CANNON. Mr. Chairman, I will say to my friend that he is correct in that statement. I have examined his amendment with some care, and for many years the Committee on Appropriations, having in charge these growing expenditures for public printing, have talked about the necessity for legislation which would restrict it. The gentleman from Tennessee [Mr. RICHARDSON] has considerable knowledge in respect to the subject, and when he prepared this amendment and submitted it to me it commended itself to my judgment and approval, and so far as I am concerned, I have nothing to say against it from either the standpoint of the point of order or the standpoint of limitation.

Mr. MANN. Mr. Chairman, it was impossible from a mere hearing of the reading of the amendment to understand just how far it goes, but it is not quite possible for me to understand how you are going to permit illustrations in one book and forbid them in another without leaving it to the discretion of somebody.

Mr. RICHARDSON of Tennessee. The amendment leaves it to the discretion of the head of the department. It says that if the head of the department sees fit to insert them they can be inserted.

Mr. MANN. That may make a very great deal of difference. There may be a book that is gotten up for the very purpose of being illustrated.

Mr. RICHARDSON of Tennessee. I will say to the gentleman that if it is a part of the work there is no difficulty at all when it goes down there for the head of the department to certify that the illustrations are necessary.

Mr. MANN. I can understand how there might be a very great deal of difficulty in passing the accounting officers of the Government. Here is a book on the Diseases of the Horse, filled with illustrations of one sort and another, and I apprehend that under the gentleman's amendment the Secretary of Agriculture would be compelled to certify as to each of these illustrations. The gentleman nods his head in the negative. How else will you reach it? The Secretary of Agriculture puts in a certificate that the illustrations in this book ought to be published. It is under his jurisdiction now. He is the one who is responsible now.

Mr. RICHARDSON of Tennessee. Well, I submit to the gentleman that the amendment is not liable to that construction; but it would be no hardship for him to certify that illustrations numbered 1, 2, 3, 4, 5, and 6, and so on, should be inserted. The Public Printer would respect that certification, I have no doubt; but the gentleman will remember that the only way to reach the evil is by making the law general. Take the report I refer to—of the Director of the Mint—and you will find that in a publication of perhaps 150 pages there are 50 pages of pictures such as I have indicated.

Mr. MANN. I am perfectly willing to admit the gentleman's contention that a very large number of illustrations are published which ought not to be published, pictures of people, and so forth, particularly pictures of officials themselves who have to do with the publication. I do not condone that, but it seems to me it is far better to have that, and have other illustrations which are necessary to be published, than to have none at all, and I am afraid of the result of this.

I think an amendment of this sort ought to be presented where members of the House have an opportunity to consider it, although I have very great confidence in the opinion of the gentleman from Tennessee, and particularly in reference to matters of printing. It seems to me that the House ought to have a chance to consider a proposition of this sort, and I suppose it would be privileged, coming from the Committee on Printing.

Mr. RICHARDSON of Tennessee. No; it would not be.

Mr. MANN. Why not?

Mr. RICHARDSON of Tennessee. Resolutions that relate to printing for the two Houses are privileged, but resolutions for printing for the Departments are not.

Mr. MANN. It would be privileged to the extent that it relates to the printing of documents for the House or Senate.

Mr. RICHARDSON of Tennessee. I will say to the gentleman that there is very little abuse in that. It is in the departmental publications that the abuse arises.

Mr. MANN. Most of them are sent to us to be printed as Senate or House documents.

Mr. RICHARDSON of Tennessee. They are sent to us after they are printed.

Mr. MANN. They are sent to us and printed as House or Senate documents.

Mr. RICHARDSON of Tennessee. I call attention to the fact that this bill provides for this \$6,000,000 to be used in printing, and we do not see the publications in manuscript. They come to us printed before we see them.

I insist upon a vote upon the amendment, because I have drawn it with all the care I can give it; and I will say to the gentleman that I did not draw it without submitting it to the intelligent late foreman of printing and the present chief clerk in the Government Printing Office. The amendment was drawn in his office, by my request and direction, at the Government Printing Office, so that the gentleman may depend upon my assurance that the amendment is carefully drawn.

Mr. MANN. I am perfectly satisfied that the gentleman himself believed it to be carefully drawn; but I have seen so many things of that sort go through where the gentleman who proposed them believed them to be carefully drawn, and it developed afterwards that they did not meet the approval of many of the members of Congress, that it seems to me I have the right to see a proposition of that sort in advance before we are compelled to vote upon it. For that reason I am disposed, if I have the power, to insist upon the point of order.

Mr. RICHARDSON of Tennessee. I submit in addition to what I have already said that it is not subject to a point of order, for it is simply a limitation upon the expenditure of the amount appropriated; and I will say to the gentleman that passing it here does not make it a law. It has got to be considered elsewhere. It will have to go to conference, probably. I do not insist on the language, specially, that I have used, although it is the best I could command. I hope the amendment will be agreed to, because I know the abuse we are liable to in these publications.

The CHAIRMAN. The Chair is ready to rule. The amendment the gentleman from Tennessee proposes is to regulate the printing of certain illustrations in public documents. The gentleman himself states that there is no regulation or law to regulate the publication of these illustrations at the present time. In this amendment it is proposed that whenever, either this year or the next fiscal year, or whenever any document or report containing illustrations be ordered printed, this shall apply. It has no reference to the present appropriation or any future appropriation. The Chair thinks it is not a limitation upon the appropriation carried in this bill, and is, therefore, legislation. The Chair sustains the point of order.

Mr. RICHARDSON of Tennessee. I ask the gentleman if he will not withdraw the point of order, in view of the manifest necessity of this amendment?

Mr. MANN. Well, Mr. Chairman, if the necessity for the amendment had been so manifest, it might properly have been presented to the House before the hour of 5 o'clock, when the committee is about to reach a final vote upon this bill. I am not criticizing the gentleman for presenting it at this time; and until we can be better informed, I shall have to insist upon the point of order.

Mr. RICHARDSON of Tennessee. I think I can modify the amendment so as to remove the difficulty and bring it within the rules.

Mr. CANNON. I think the gentleman can modify it if he chooses, so that it will be a limitation for this year.

Mr. RICHARDSON of Tennessee. I understand the suggestion of the chairman of the Committee on Appropriations, and I am perfectly willing that he shall make that modification, as he has the amendment, so that it shall be a limitation, in order that it may be brought within the rules. I will ask the chairman of the committee to suggest the words that make a limitation such as he chooses that will bring it within the rule.

Mr. CANNON. By unanimous consent, I ask that we continue the reading of the bill and return in a few minutes to this.

Mr. RICHARDSON of Tennessee. All right.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to pass this portion of the bill and to continue the reading of the remainder of the bill, with the privilege of returning to this paragraph hereafter. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, \$300,000, or so much thereof as may be necessary.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire to offer an amendment. Before the amendment is read, Mr. Chairman, if I may be permitted a few words about this amendment, I frankly concede that it is subject to a point of order, and if it is made by any gentleman in the House, of course the amendment will go out. I think there is a necessity for it. I believe it is a proper amendment; I believe it ought to be the law, and for that reason I have offered it. It relates to the salary of the Public Printer. I ask the Clerk to read the amendment.

The Clerk read as follows:

Insert on page 154, after line 6, the following words, namely: "The annual salary of the Public Printer hereafter shall be \$6,000."

Mr. RICHARDSON of Tennessee. Now, Mr. Chairman, I desire to say that I have never before offered an amendment to raise a salary in this House.

Mr. CANNON. I just want to say that I reserve the point of order. I do not think I shall make it, so far as I am concerned; but I merely reserve it, if any gentleman desires to make it.

Mr. RICHARDSON of Tennessee. Let it be reserved, and if any gentleman insists, it is subject to the point of order.

Mr. Chairman, I desire to say that I have never, in my experience in the House, offered a bill—that I remember—increasing the salary of any officer; not that I thought it was not proper and just at times to do so, and I have frequently voted for them if the necessity required; still I have never introduced or offered a measure increasing a salary until I offered it in this case. I introduced the bill increasing this salary several days ago. It has been referred to the Committee on Printing; it has been unanimously reported by the committee favorably.

Now, with that statement, Mr. Chairman, permit me to say that when the salary of the Public Printer was fixed at \$4,500 he did not have more than 2,200 employees. There are in the Government Printing Office now more than 4,000 employees. The salary was fixed at that sum when he expended \$2,000,000 or a little over for public printing. This bill itself carries \$6,300,000, and the public printing will be nearly \$7,000,000 for the next year, in my opinion. More than three times over the amount of work has been increased, and more than double the number of employees. Mr. Chairman, I do not believe that \$4,500 is enough to secure the best man known to the printers and bookbinders' trades in the United States for the office of Public Printer, and for that reason I think the salary ought to be fixed at \$6,000.

It is a matter of economy in the line of the amendment I introduced a moment ago. That amendment was in the interest of economy; it was intended to reduce and would reduce by thousands and tens of thousands of dollars the expenses of public printing. This amendment is in the same line—that of economy in public printing. In order to get and keep an efficient and competent Public Printer and get more work and better results it is necessary to pay a larger salary.

Mr. GILLET of Massachusetts. Will the gentleman allow a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. GILLET of Massachusetts. Does the gentleman from Tennessee mean to imply that we have not a competent and efficient Public Printer now?

Mr. RICHARDSON of Tennessee. No, sir; I am glad the gentleman asked that question. The present Public Printer is an efficient public officer. He commenced to be the Public Printer twelve or fourteen years ago, when there were a little over 2,000 employees in the office. To-day he handles between four and five thousand employees with a corresponding increase in the expenditures for public printing that I have mentioned. I think the Public Printer at present is an efficient man, but if he were to die and we were called upon to choose some man to take charge of this establishment at the present salary, I doubt if you could get the best man. For that reason I have offered this amendment to make the salary \$6,000, and I know that is not extravagant. We have the largest government printing office in the world, and it is growing all the time.

Mr. GILLET of Massachusetts. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FLEMING. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 91, after line 17, insert:

"Augusta Arsenal, Augusta, Ga.: For necessary connection with sewer system of the village of Summerville, Ga., provided that no other or further charge shall be made against the United States for the future use of said sewer system, \$3,000."

The CHAIRMAN. The Chair will state to the gentleman from Georgia that his amendment does not relate to that part of the bill which has just been read. The part that his amendment relates to has been passed, and without unanimous consent we can not return to it.

Mr. FLEMING. I understand that, Mr. Chairman, but the

chairman of the Appropriations Committee investigated this and suggested that I wait until this stage and then ask unanimous consent to return.

Mr. CANNON. What is the page?

Mr. FLEMING. Page 91.

Mr. CANNON. Mr. Chairman, I shall not antagonize the gentleman's request to return by unanimous consent to consider the amendment he has offered. This estimate was for the sum of \$20,000. I think the War Department had confidence in the Ordnance Department, and I was under the impression that the arsenal at Augusta ought to be discontinued; but on a full inquiry and investigation the gentleman in charge of the Ordnance Department says that considering the seacoast defense and the service, the fact that he has already abandoned several arsenals, that it is necessary at least for the present and immediate future to retain this arsenal for storage purposes, and so forth. If that is done I think the connection could be made with this sewer system. While this is not the amount estimated, the general in charge said that upon investigation that he had conducted he was satisfied that this amount was reasonable.

Mr. FLEMING. Mr. Chairman, I do not care to discuss this amendment unless some objection is made to it. It has been investigated at the War Department, and the chairman of the Committee on Appropriations is in favor of it.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to return to page 91 of the bill to offer the amendment which has been read. Is there objection? [After a pause.] The Chair hears none.

The question on the amendment offered by Mr. FLEMING was considered, and the amendment was agreed to.

Mr. LAMB. Mr. Chairman, I ask unanimous consent to return to page 18, line 10, for the purpose of inserting an amendment, which I will send to the desk.

The CHAIRMAN. The Chair will state that there is one more paragraph of the bill to be read.

Mr. CANNON. I thought the reading of the bill had been completed.

The CHAIRMAN. There is one more paragraph.

Mr. CANNON. Let the last paragraph be read.

The Clerk proceeded and completed the reading of the bill.

Mr. McRAE. Mr. Chairman, I ask unanimous consent to return to page 24 for the purpose of offering an amendment that does not involve an appropriation, but a change in the paragraph.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to page 24. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the amendment, as follows:

Insert the following between lines 6 and 7 on page 24:

"That so much of the sundry civil act approved June 6, 1900, as relates to the removal of the quarantine station at Brunswick, Ga., in words as follows: 'The quarantine station, Brunswick, Ga.: For removal of station, purchase of site, erection of buildings, and equipment of station, \$20,000,' be amended so as to read:

"The quarantine station, Brunswick, Ga.: For removal of station, purchase of site, erection of buildings, and equipment of station, or, in the discretion of the Secretary of the Treasury, for the purchase of the site of the present station and the improvement thereof by the erection of buildings and otherwise, \$20,000."

Mr. CANNON. Mr. Chairman, the gentleman from Arkansas called my attention to this amendment, and I am satisfied that there is no objection to it.

The amendment was agreed to.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent to return to page 112 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent to return to page 112 for the purpose of offering an amendment, which the Clerk will read.

The Clerk read as follows:

After line 10, on page 112, insert:

"For additional amount necessary for purchase of land for a military post at or near Indianapolis, Ind., and for necessary expenses incident to the appraisal and sale of the arsenal property in said city, \$30,000, or so much thereof as may be necessary."

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. OVERSTREET. I now offer the amendment which has just been read.

Mr. ZENOR. I raise a point of order upon the amendment, and should be glad to hear some explanation of it from my colleague.

Mr. OVERSTREET. Mr. Chairman, technically, I should imagine that the point of order is properly taken; yet there are such equities in favor of this amendment that it seems to me quite probable that when properly understood they would secure a withdrawal of the point of order.

Under a statute of about a year ago the military reservation known as the arsenal at Indianapolis was ordered sold. Under

direction of the War Department an appraisal was effected; and that appraisal, after careful examination, was fixed at \$154,000. The same statute which directed the sale of that arsenal property directed the Secretary of War to invest in other lands adjacent to Indianapolis an amount of money equal to that realized from the sale of the arsenal, and that land was to be used for a military post.

The Secretary of War has had two different boards examine the land, and has fixed upon a site. He has been unable to make a swap of one of these tracts of land for the other. The land which he has selected for an Army post will bring \$180,000 or \$181,000 in round numbers. In view of the probability that the arsenal property may not bring an amount equal to that which the purchase of the new site will require (the sale of the arsenal property having been fixed for March 16), he now asks that he may have this additional sum, on which he may draw should the occasion arise. I can see no good reason for objecting to this proposition, and I believe the amendment should be adopted.

The CHAIRMAN. Is there any law authorizing the purchase of this site?

Mr. OVERSTREET. The same law which authorized the sale of the arsenal authorized the purchase of a site. But I will say to the Chair that it directed that an amount of money equal to that which the arsenal property should bring at the sale be invested in other lands in that same vicinity for the purposes of a post. The sale has been authorized and it will occur on the 16th of March next. The Secretary fears that the amount of the appraisalment will be the "upset" bid, and if that should prove true, then it will not realize by about \$27,000 what the site for the purpose of the Army post will require, so that he asks this additional sum as a leeway. If the sale brings as much as the new site will require, then none of this money will be drawn upon.

The CHAIRMAN. Then the effect of this amendment, from the standpoint of the point of order, would be to increase the limit of cost of the original purchase?

Mr. OVERSTREET. That is what it would practically amount to. I trust that my colleague will not insist on his point of order.

Mr. ZENOR. How much land is there in this tract upon which the arsenal at Indianapolis was located?

Mr. OVERSTREET. About 80 acres.

Mr. ZENOR. What is the estimated value of those 80 acres?

Mr. OVERSTREET. One hundred and fifty-four thousand dollars; and this is all it is worth.

Mr. ZENOR. Will my colleague state whether it is expected that that amount will be realized at the sale?

Mr. OVERSTREET. I doubt whether any more will be realized.

Mr. ZENOR. As I understand, the law under which these proceedings have been taken for the sale of the arsenal and the reinvestment in the purchase of land for a military post confines the investment of that sum to the amount realized from the sale of the arsenal property.

Mr. OVERSTREET. I said that technically such is the fact; but the Secretary has been unable to simply swap the two tracts.

Mr. ZENOR. Where is this land proposed to be purchased by the Government located with reference to the city of Indianapolis?

Mr. OVERSTREET. The Secretary, after careful investigation, having two different military boards visit the property for the purpose of the investigation, has determined upon the purchase of 1,833 acres about 8 miles from the center of the city of Indianapolis.

Mr. ZENOR. Of whom was this Army board composed—of residents of Indiana?

Mr. OVERSTREET. The Army board was composed entirely of officers of the United States Army.

Mr. ZENOR. Now, let me ask my colleague whether these 1,833 acres of land which it is proposed to purchase for this military post are not assessed upon the assessment book of the county of Marion for about \$30 an acre.

Mr. OVERSTREET. I do not know what the assessment is, but I will say this, that all assessments are lower than the actual value.

Mr. ZENOR. Precisely.

Mr. OVERSTREET. I know that my friend desires to have this located in his own district, but the board decided otherwise.

Mr. ZENOR. These 1,833 acres are located in a broken, hilly country, are they not, and are not even very valuable for farming purposes?

Mr. OVERSTREET. Oh, no; the Adjutant-General, on the other hand, and other officers of the Department have advised me that the land lies in such a way as to make a most admirable Army post, and they so regard it.

Mr. ZENOR. I will ask the gentleman to state if the market value of the land situate and located in the same section in which it is proposed to invest this money is not to-day no more than \$50 an acre, the very best of it.

Mr. OVERSTREET. I think the gentleman is mistaken.

Mr. ZENOR. Mr. Chairman, I have information that it is not worth over \$30 an acre.

Mr. OVERSTREET. I will say that I presume the gentleman's information emanates from a circular letter which has been forwarded to members of the Indiana delegation. I received one. That letter touches upon the valuation of this land. The letter was written by constituents of mine, a reputable real-estate firm which had other lands to sell to the Department, but did not succeed in disposing of them.

Mr. ZENOR. I am very glad to have the indorsement of my colleague as to the gentlemen.

Mr. OVERSTREET. Gentlemen of the committee can draw their own conclusion as to the criticism raised by that firm. I will say that I have no criticism to pass upon any of the acts of the War Department, either in its course of conduct in reference to the proposed sale or in the manner of arriving at the selection of the site. It has been gone about in the ordinary way pursued by the Department.

Mr. ZENOR. Just one more question. Does the gentleman think that the 1,833 acres are necessary to constitute this military post at Indianapolis? Is not that acreage far in excess of the actual needs for that purpose?

Mr. OVERSTREET. That was entirely left to the Department. I had no consultation with them whatever.

Mr. ZENOR. I will ask my colleague whether he knows if that number of acres, 1,833, is the amount of land agreed upon?

Mr. OVERSTREET. It has been agreed upon, and so ordered by the Secretary of War.

Mr. ZENOR. And is located about 8 miles from the city of Indianapolis?

Mr. OVERSTREET. Yes.

Mr. GILLET of Massachusetts. Mr. Chairman, I rise to a parliamentary inquiry.

Mr. ZENOR. I will ask further whether land in that part of the country is selling at \$100 an acre?

The CHAIRMAN. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. GILLET of Massachusetts. I will ask if this dialogue is pertinent to the point of order that is pending?

The CHAIRMAN. A point of order is pending.

Mr. OVERSTREET. I trust that my colleague will not insist upon his point of order.

Mr. ZENOR. Mr. Chairman, I ask unanimous consent to make a statement. I will not insist upon the point of order.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. ZENOR. Mr. Chairman, I desire to make a statement in regard to this proposed amendment of my colleague, and I will determine as to whether or not I shall press this point of order. I think, however, that it is well taken. I understand that the proposition to secure the location of an Army post at Indianapolis, Ind., originated with the Indianapolis people about a year ago. They conceived the idea of selling the Government reservation and arsenal located thereon, at that city, and procure the reinvestment of the proceeds thereof in the purchase of other lands at or near that site. This argument addressed to the Committee on Military Affairs and the Secretary of War prevailed as against the claims of other parts of my State, notably the southern part, and that committee reported a provision in the appropriation bill of last year authorizing the Secretary of War to sell said arsenal and grounds and deposit the proceeds in the United States Treasury. It further appropriated said money and authorized the Secretary of War to purchase other lands in that county at or near the arsenal site for a military post, but not to exceed the amount of such proceeds. He, the Secretary, was expressly limited by the provisions of the law to the proceeds of the sale of the arsenal property.

Having succeeded in successfully competing with other parts of the State for the Army post, and largely upon the ground that it would cost the Government nothing beyond the small expense incidental to a sale of the arsenal property and reinvestment of the proceeds in the purchase of other lands for a suitable site for such post, and having secured what they now consider the permanent establishment of this post, they, at the first opportunity, and, it seems to me, in breach of good faith, come to Congress and tell us that they want to buy 1,830 acres of land for this proposed site, and they lack money enough to do this. They say they can realize for the arsenal property \$154,000, but they want \$181,000, and are short \$30,000.

They now propose to go beyond the limit fixed in the law and expend \$30,000 more than they first said they wanted or needed. But this is not the serious objection—the most objectionable—to this proposition. They have, as they say, taken an option upon, or have had an examination and appraisal made, of the land they propose to buy, and that this consists of eighteen hundred

and thirty-three acres, about 8 or 9 miles from Indianapolis, and propose to pay for this land the enormously high price of \$100 per acre, or \$181,000 to \$184,000 for the same. Mr. Chairman, this, in my judgment, from information now in my possession from reliable parties, citizens of Indianapolis, an outrageous price—more than the land is worth by double. I have letters and other data from a reputable firm of business men in that city saying that this land is situate in a rough, hilly, and broken country, and is not worth at the highest price over \$45 or \$50 per acre.

I have information which I understand to come from reputable gentlemen in Indianapolis, and the gentleman from Indiana [Mr. OVERSTREET] has just admitted that these gentlemen are reputable. These statements and letters have been sent to me as well as to other members, perhaps, of the Indiana delegation, and are to the effect that this property which is now sought to be purchased by the Government is assessed upon the assessment books of the county of Marion for a little more than \$30 an acre—an average of \$30.43 per acre.

I have in my possession a list, said by these gentlemen to be taken from the assessment books and duplicates of Marion County, of 2,300 acres of land, all lying in the sections from which it is said these 1,833 acres proposed to be purchased by the Government are to be selected, and the average assessed value of these lands is \$30.43 per acre. Well, they say—my colleague [Mr. OVERSTREET] says—these assessments are too low, they are very much under their fair cost value. Let us admit that. Let us assume that they are not assessed for more than two-thirds of their value, and it will certainly not be contended that the assessor of Marion County would so far forget his duty as to put lands at less than two-thirds of their value for taxable purposes when his oath required him to assess them at their fair cash value. Then we have lands worth \$45 per acre—and at this price the lands would be worth only \$82,485—showing that at this price they still have money enough to pay for these lands at a fair price and have a balance remaining of \$71,515 for other improvements in the way of buildings and equipments.

I understand that the lands are not worth to exceed \$45 an acre at the outside. They are valued at not more than \$30.43 or \$30.44 an acre, I think, on the assessment books; and certainly the assessor of that county did not so far forget his duty that he put an appraisement value on real estate in the county of Marion at less than one-half of what it is really worth. If such be the fact, then it is a great injustice to other people living in the southern part of Indiana, whose real estate usually is appraised at its fair cash value and in but few instances as low as three-fourths of what it is worth.

Now, supposing that it is one-half of what it is worth or two-thirds of what it is worth, taking this 1,833 acres and putting it at \$45 an acre, at one-third more than the value as fixed by the assessor of Marion County, the total 1,833 acres amounts to \$82,000. Yet they come in here with a proposition that the Government shall pay \$180,000 for this 1,833 acres. Put it at the highest and say that it is worth \$50 an acre. And I say I have statements and letters from entirely trustworthy people that this real estate is not worth to exceed \$45 per acre, and, further, that real estate is advertised in the papers of Indianapolis, located in the same community and in the hands of real-estate agents in Indianapolis, and offered at \$50 an acre, 150 acres of better land in many respects than this which is proposed to be purchased, and that land can not be disposed of.

It seems to me that it is but fair to the members of this House that before they vote upon this proposition, before they authorize the purchase of this real estate at this enormously high price, they should consider this proposition, first, that it is in excess of any provision of law or authority conferred upon the Secretary of War. The law expressly confined this cost for the location and establishment of a military post at Indianapolis to the proceeds of the sale of that arsenal, which will amount to \$154,000. Yet it is proposed to buy this real estate at what seems to me to be this enormously excessive price.

That is all I have to say. I shall not press the point of order, but let the House determine whether or not this expenditure shall be made.

The CHAIRMAN. The gentleman withdraws his point of order. The question is on the amendment offered by the gentleman from Indiana [Mr. OVERSTREET].

The question being taken, on a division (demanded by Mr. OVERSTREET) there were—ayes 44, noes 35.

Accordingly the amendment was agreed to.

Mr. JONES of Washington. Mr. Chairman, I suggest that we return to page 87, with reference to the provision for the Mount Rainier National Park. I desire to submit an amendment that I trust will be agreed to.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to page 87 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the amendment already adopted as a substitute amendment the following:

"And for protection and improvement of said park, and repairing and extension of roads and trails, to be expended under the supervision of the Secretary of the Interior, \$3,000."

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. CANNON. It was on page 115 of the bill that the other amendment was agreed to.

Mr. JONES of Washington. I thought it was page 87.

The CHAIRMAN. It is on page 115. The Chair understood the gentleman to say page 87.

Mr. JONES of Washington. I understood it was page 87 where the other amendment was adopted.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington to return to page 115?

Mr. CANNON. I will say to my friend that I do not want to have that amendment adopted. It is entirely independent of the former amendment.

Mr. JONES of Washington. Let me say to the gentleman that it was understood we could go back, and therefore I did not ask unanimous consent to do it.

Mr. CANNON. Oh, well, I will not interpose any objection to going back, but let us hear the amendment read again, and let us in that same connection hear read the amendment that we did adopt.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Washington. The Clerk will now report the amendment, together with the amendment previously adopted by the Committee of the Whole.

The Clerk read as follows:

Mount Rainier National Park: To enable the Secretary of War to cause a survey to be made of the most practicable route for the establishment of a road into said park, and toward the construction of said road after the survey herein provided for shall have been made, \$10,000.

Add to the amendment just read the following:

"And for protection and improvement of said park, and repairing and extension of roads and trails, to be expended under the supervision of the Secretary of the Interior, \$3,000."

Mr. JONES of Washington. I suggest to the gentleman that that is the language of the appropriation for the improvement of Crater Lake, National Park, on page 87.

Mr. CANNON. I do not want to turn both these departments in there. It should be done, if at all, under the authority of the Secretary of War. In other words, there is no economy in turning both these departments in there. We are caring for the park substantially by details from the Army.

Mr. JONES of Washington. Let me suggest that the gentleman misunderstands the situation. In the act organizing this park it says that the control of it shall be exclusively in the Secretary of the Interior; so that we can not without new legislation put the Secretary of War in there. The substitute amendment has nothing to do with the park. That substitute amendment simply says that under the direction of the Secretary of War he can survey a road into the park. Now, that simply takes it to the park. There are 24 miles through the forest reservation before you get to the park that will be surveyed under that provision. Now, I have investigated the matter, and I find that while the Secretary of War continues to detail soldiers to the different national parks, they are there by virtue of separate acts passed by Congress authorizing the Secretary of the Interior to request the Secretary of War to detail troops, and when these troops are detailed the officer in command is the acting superintendent of the park, under the Secretary of the Interior. Now, that is the situation in reference to these other parks. This is not an attempt to give the Secretary of War any new power. It simply makes provision for what the Secretary of the Interior requests and earnestly recommends in his report. The park can not be cared for or looked after without the \$10,000 provision. That has nothing to do with the park itself.

Mr. CANNON. Well, in other words, it is to give somebody salaries where there is no improved park. I will submit to my friend, why not enlarge the survey and let us have a report?

Mr. JONES of Washington. Report on what?

Mr. CANNON. On what the roads will cost, and so on, and so on. In other words, there is nothing at Mount Rainier Park now.

Mr. JONES of Washington. The main object is to get somebody to look after the park, and the Secretary, as I read yesterday, has had to put the forest superintendent of Washington there temporarily in charge, but this interferes with his work, and the Secretary recommends the appropriation for this park so that it may be looked after. I hope the gentleman will not object.

Mr. CANNON. It does not lie with me, but with the committee, to let this matter in.

Mr. JONES of Washington. But if the gentleman does not object the committee will not object.

Mr. CANNON. I do not believe it is wise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. MADDOX. Division.

The committee divided, and there were—ayes 83, noes 27.

Mr. BALL of Texas. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia demands tellers.

Mr. MADDOX. I did not make the demand for tellers, Mr. Chairman; but I do make the demand for a quorum.

The CHAIRMAN. The Chair will count.

Mr. JONES of Washington. Mr. Chairman, I withdraw this amendment. I see there is a disposition to make the point of no quorum.

The CHAIRMAN. The gentleman withdraws his amendment.

Mr. JONES of Washington. I ask now, Mr. Chairman, to return to page 24 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman asks unanimous consent to return to page 24 for the purpose of offering an amendment which the Clerk will report.

Mr. MADDOX. I did not withdraw my point of no quorum, Mr. Chairman.

Mr. CANNON. Well, the gentleman withdrew the amendment; and I will say to the gentleman from Georgia I think with this amendment and probably one by the gentleman from Virginia that we can conclude the bill.

Mr. RICHARDSON of Tennessee. I shall insist on my amendment, which I have here, and the authorities.

Mr. CANNON. I think we can dispose of it in a very few minutes. I would like to finish the bill to-night. If we do not do it in fifteen minutes, I will move that the committee rise.

The CHAIRMAN. Does the gentleman from Georgia insist on the point of no quorum?

Mr. MADDOX. I would not insist upon the point of no quorum, but I am informed by gentlemen behind me that they are going to demand a quorum when we rise and a yea-and-nay vote on the question of the amendment submitted by the gentleman from Indiana. After hearing the statement of my colleague on the left, I think we may just as well quit now.

Mr. CANNON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17202, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 14512. An act to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes, approved May 2, 1884;

H. R. 7. An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

H. R. 16975. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company;

H. R. 16602. An act to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899; within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes;

H. R. 16334. An act fixing terms of United States courts in Colorado, and for other purposes;

H. R. 14047. An act for the relief of the clerks of circuit and district courts of the United States;

H. R. 11544. An act to correct the military record of Thomas J. Morman;

H. R. 11127. An act for the relief of the Propeller Towboat Company, of Savannah;

H. R. 12064. An act for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

H. R. 2423. An act for the relief of Edward S. Crill;

H. R. 3502. An act for the relief of the estate of M. J. Grealish, deceased;

H. R. 16646. An act to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana;

H. R. 2473. An act granting an increase of pension to James Billingsley;

- H. R. 16272. An act granting an increase of pension to Enoch Dodd;
- H. R. 10953. An act granting an increase of pension to John A. M. Seitz;
- H. R. 1377. An act granting an increase of pension to Bridget Agnes Tridel;
- H. R. 16591. An act granting an increase of pension to James Mattingly;
- H. R. 1482. An act granting an increase of pension to John A. Smith;
- H. R. 16217. An act granting an increase of pension to Julia E. Jones;
- H. R. 16053. An act granting an increase of pension to Henry P. Reynolds;
- H. R. 11417. An act granting an increase of pension to Julia Anglada;
- H. R. 16358. An act granting an increase of pension to Benjamin W. Walker;
- H. R. 6889. An act granting an increase of pension to Michael Rader;
- H. R. 14391. An act granting an increase of pension to Edward Walsh;
- H. R. 714. An act granting an increase of pension to Frederick Hart;
- H. R. 13088. An act granting an increase of pension to Hiram D. Demming;
- H. R. 14251. An act granting an increase of pension to Hugh J. Reynolds;
- H. R. 14897. An act granting an increase of pension to Phillip Mooney;
- H. R. 12410. An act granting an increase of pension to Mary Nichols;
- H. R. 8287. An act granting an increase of pension to Peter Johnson;
- H. R. 8288. An act granting an increase of pension to Scott Case;
- H. R. 7334. An act granting an increase of pension to Ira L. Evans;
- H. R. 5167. An act granting an increase of pension to John G. Nowman;
- H. R. 4059. An act granting an increase of pension to Julia A. Cook;
- H. R. 13826. An act granting an increase of pension Francis N. Bonneau;
- H. R. 15064. An act granting an increase of pension to Frederick Shovar;
- H. R. 14789. An act granting an increase of pension to David Brobst;
- H. R. 14388. An act granting an increase of pension to Graham McClosson;
- H. R. 15421. An act granting an increase of pension to Elizabeth Palmer;
- H. R. 15571. An act granting an increase of pension to John McFarland;
- H. R. 16269. An act granting an increase of pension to Annie W. Coyt;
- H. R. 15473. An act granting an increase of pension to Winthrop W. Wolcott;
- H. R. 5460. An act granting an increase of pension to Thomas Sherry;
- H. R. 3516. An act granting an increase of pension to Ozro F. Cheney;
- H. R. 11596. An act granting an increase of pension to Inez L. Clift;
- H. R. 9950. An act granting an increase of pension to Moses Whitcomb;
- H. R. 15439. An act granting an increase of pension to Jane P. Chester;
- H. R. 1929. An act granting an increase of pension to Peter Tuper;
- H. R. 14120. An act granting an increase of pension to Sarah A. Leopard;
- H. R. 14604. An act granting an increase of pension to Asa C. Hill;
- H. R. 1689. An act granting an increase of pension to Hiram S. Thompson;
- H. R. 7012. An act granting an increase of pension to Abel Fleming;
- H. R. 15870. An act granting an increase of pension to John Smith;
- H. R. 14605. An act granting an increase of pension to John T. Knoop;
- H. R. 4807. An act granting an increase of pension to Thomas Parfitt;
- H. R. 16465. An act granting an increase of pension to William H. Knepple;
- H. R. 11790. An act granting an increase of pension to Abel Woods;
- H. R. 15437. An act granting an increase of pension to Sarah A. Gerry;
- H. R. 15438. An act granting an increase of pension to Thomas E. Peabody;
- H. R. 3569. An act granting an increase of pension to Joseph Buckholz;
- H. R. 15673. An act granting a pension to Annie E. Doss;
- H. R. 15572. An act granting a pension to Charles W. Bracken;
- H. R. 13297. An act granting a pension to Martin Greeley;
- H. R. 15300. An act granting a pension to Delania Preston;
- H. R. 15206. An act granting a pension to Mary P. Everton;
- H. R. 16153. An act granting a pension to George W. Choate;
- H. R. 5920. An act granting a pension to Washington Fison;
- H. R. 14168. An act granting a pension to John B. Anderson;
- H. R. 15211. An act granting a pension to Mary J. Slusser;
- H. R. 2812. An act granting a pension to Susan Kent;
- H. R. 13358. An act granting a pension to Elizabeth A. Wilder;
- H. R. 12971. An act granting a pension to Thomas Martin;
- H. R. 15694. An act granting a pension to Bessie Ledyard;
- H. R. 11199. An act granting a pension to Lewis Walton;
- H. R. 15084. An act granting a pension to James H. Powell;
- H. R. 15550. An act granting a pension to Mary A. Hinkle;
- H. R. 14811. An act granting a pension to Almedia J. Robison;
- H. R. 4153. An act granting a pension to Jane Hale;
- H. R. 5450. An act granting a pension to Charles P. Bigelow;
- H. R. 9074. An act granting a pension to Elizabeth C. Gates;
- H. R. 11258. An act granting a pension to William F. Randolph;
- H. R. 4118. An act granting a pension to Charles Maschmeyer;
- H. R. 13689. An act granting a pension to William W. Painter;
- H. R. 1014. An act granting a pension to Laura Levenseler;
- H. R. 14258. An act granting a pension to Fletcher Buling;
- H. R. 7778. An act granting a pension to Peter Buckley;
- H. R. 8617. An act granting a pension to Sabina Alley;
- H. R. 16058. An act granting a pension to John Corbett;
- H. R. 12963. An act granting a pension to Sarah E. Smith;
- H. R. 14687. An act granting a pension to Margaret Brennan;
- H. R. 5918. An act granting a pension to Margaret Fox;
- H. R. 16321. An act granting a pension to Michael Devine;
- H. R. 14407. An act granting a pension to Mary E. Bunn;
- H. R. 15754. An act granting a pension to Francis Cowie;
- H. R. 14889. An act granting a pension to James T. Lundy;
- H. R. 2614. An act granting a pension to John Sullivan;
- H. R. 16711. An act granting a pension to Ann Gilbert;
- H. R. 14814. An act granting a pension to Herman J. Miller;
- H. R. 4441. An act granting an increase of pension to Oscar Brewster;
- H. R. 6161. An act granting an increase of pension to Homer Davis;
- H. R. 1829. An act granting an increase of pension to George W. Brill;
- H. R. 305. An act granting an increase of pension to George Heinzman;
- H. R. 11125. An act granting an increase of pension to John S. Campbell;
- H. R. 2675. An act granting an increase of pension to John M. Stanley;
- H. R. 16271. An act granting an increase of pension to Gustavus W. Peabody;
- H. R. 15841. An act granting an increase of pension to John Da Silva;
- H. R. 15997. An act granting an increase of pension to Christian J. Flanagan;
- H. R. 1923. An act granting an increase of pension to Frederick W. Damon;
- H. R. 14143. An act granting an increase of pension to Augusta W. Seely;
- H. R. 16162. An act granting an increase of pension to George Brown;
- H. R. 16032. An act granting an increase of pension to Henry Taylor;
- H. R. 12214. An act granting an increase of pension to Jane A. Tillinghast;
- H. R. 14409. An act granting an increase of pension to James Claybourn;
- H. R. 7851. An act granting an increase of pension to Jennie H. Cramer;
- H. R. 1531. An act granting an increase of pension to Susan E. Duncan;
- H. R. 8254. An act granting an increase of pension to John R. Curry;
- H. R. 1423. An act granting an increase of pension to Asa Tarbox;
- H. R. 12991. An act granting an increase of pension to Gustavus S. Perkins;

H. R. 15622. An act granting an increase of pension to Benjamin Cardwell;
 H. R. 15519. An act granting an increase of pension to James M. Clement;
 H. R. 14952. An act granting an increase of pension to Leonard S. Grove;
 H. R. 12019. An act granting an increase of pension to William Lowe;
 H. R. 15910. An act granting an increase of pension to James A. Hale;
 H. R. 8626. An act granting an increase of pension to Sarah E. Yemans;
 H. R. 15329. An act granting an increase of pension to Elizabeth Rosenbarger;
 H. R. 12524. An act granting an increase of pension to Elvira M. Cooper;
 H. R. 15661. An act granting an increase of pension to James M. Marshall;
 H. R. 13999. An act granting an increase of pension to Dennis Cosier;
 H. R. 4266. An act granting an increase of pension to Henry Ehmke;
 H. R. 15406. An act granting an increase of pension to James P. Campbell;
 H. R. 15840. An act granting an increase of pension to Rudolph B. Weyeneth;
 H. R. 13534. An act granting an increase of pension to James Evans;
 H. R. 10663. An act granting an increase of pension to Benjamin H. Downing;
 H. R. 3578. An act granting an increase of pension to Erastus E. Edmunds;
 H. R. 15889. An act granting an increase of pension to Chester W. Abbott;
 H. R. 5898. An act granting an increase of pension to Reuben F. Carter;
 H. R. 14302. An act granting an increase of pension to Samuel Burrell;
 H. R. 15684. An act granting an increase of pension to Joseph R. Prentice;
 H. R. 13240. An act granting an increase of pension to Nimrod F. Clark;
 H. R. 5511. An act granting an increase of pension to Cyrus V. Gorrell;
 H. R. 15892. An act granting an increase of pension to Eli Titus;
 H. R. 12850. An act granting an increase of pension to Charles K. Cameron;
 H. R. 15864. An act granting an increase of pension to Benjamin Knestrict;
 H. R. 9814. An act granting an increase of pension to Mary Williams;
 H. R. 15961. An act granting an increase of pension to Jane C. Welsh;
 H. R. 16499. An act granting an increase of pension to Charles S. Wainwright;
 H. R. 15585. An act granting an increase of pension to Solomon S. Shaner;
 H. R. 16512. An act granting an increase of pension to John Dinneen, now known as John J. Davidson;
 H. R. 3899. An act granting an increase of pension to Thomas B. Wilson;
 H. R. 13239. An act granting an increase of pension to Irvin Thompson;
 H. R. 13799. An act granting an increase of pension to Henry C. Trout;
 H. R. 4183. An act granting an increase of pension to Gottlieb Kafer;
 H. R. 16492. An act granting an increase of pension to Wilson G. Gray;
 H. R. 14303. An act granting an increase of pension to Robert H. Maricle;
 H. R. 15472. An act granting an increase of pension to William H. Chamberlain;
 H. R. 9937. An act granting an increase of pension to Aaron Young;
 H. R. 1015. An act granting an increase of pension to Isaac F. Russell;
 H. R. 15358. An act granting an increase of pension to John Snodgrass;
 H. R. 14963. An act granting an increase of pension to Herman Tuerck;
 H. R. 16148. An act granting an increase of pension to Henry F. Libby;
 H. R. 15839. An act granting an increase of pension to Luther Scott; and

H. R. 15693. An act granting an increase of pension to Delitha A. Cook.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN.

The SPEAKER laid before the House the following message from the President of the United States: which was ordered printed, and referred to the Committee on Appropriations.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with an accompanying draft of an act making an appropriation to carry out on the part of the United States the provisions of the convention between the United States and Great Britain concluded January 24, 1903.

In order that there may be no delay in the appointment and assembling of the tribunal provided for in the convention, I ask for the matter the favorable consideration of the present Congress.

THEODORE ROOSEVELT.

WHITE HOUSE, February 13, 1903.

LEAVE TO PRINT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that all members may have leave to print for five days on the bill S. 7053, that the House considered this morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent for general leave to print for five days upon the bill that passed to-day, known as the Elkins bill.

Mr. STEELE. Mr. Speaker, I shall object, unless the remarks are confined to the subject under discussion.

Mr. UNDERWOOD. I said remarks upon this bill.

The SPEAKER. The gentleman from Alabama amends his request so that remarks must apply to the bill which has been under consideration. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MICKEY was granted leave of absence for five days on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury with inclosures concerning Government salary tables to be used in payment of the salaries of all officers and employees of the Government—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HOPKINS, from the Select Committee on the Census, to which was referred the bill of the House (H. R. 15807) providing for the taking of the statistics of cities by the Census Bureau every two years, reported the same with amendments, accompanied by a report (No. 3767); which said bill and report were referred to the House Calendar.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 17237) removing fire limit on post-office grounds at Bridgeport, Conn., reported the same without amendment, accompanied by a report (No. 3768); which said bill and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Rules, to which was referred the resolution of the House (H. Res. 446) for the consideration of S. 7053, reported in lieu thereof H. Res. 447, accompanied by a report (No. 3769); which said resolution and report were referred to the House Calendar.

Mr. SMALL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 9685) to amend chapter 7 of the United States Revised Statutes, reported the same with amendments, accompanied by a report (No. 3770); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9974) to legalize and permit the maintenance of certain dams in and bridges over the St. Joseph River, in Elkhart and St. Joseph counties, State of Indiana, reported the same with amendments, accompanied by a report (No. 3772); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FORDNEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 16734) to provide an American register for the steamer *Beaumont*, reported the same without amendment, accompanied by a report (No. 3771); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PALMER: A bill (H. R. 17399) to provide for the organization of corporations to engage in commerce with foreign nations and among the several States—to the Committee on the Judiciary.

By Mr. MOODY: A bill (H. R. 17400) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. McCLEARY: A joint resolution (H. J. Res. 270) providing for the editions to be printed of the annual and special reports of the Librarian of Congress—to the Committee on Printing.

By Mr. McCLELLAN: A concurrent resolution (H. C. Res. 86) for printing 40,000 copies of American Library Association Catalogue of Five Thousand Best Books—to the Committee on Printing.

By Mr. HEPBURN: A resolution (H. Res. 446) for the consideration of S. 7053—to the Committee on Rules.

By Mr. DALZELL, from the Committee on Rules: A resolution (H. Res. 447) for the consideration of S. 7053 in lieu of H. Res. 446—to the House Calendar.

By Mr. FOSS: A resolution (H. Res. 448) relating to consideration of H. R. 17288—to the Committee on Rules.

By Mr. EVANS: A resolution (H. Res. 449) to pay D. P. Thomas for extra services as messenger—to the Committee on Accounts.

By Mr. McCALL: A resolution of the legislature of the Commonwealth of Massachusetts relative to Castle Island—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURTON: A bill (H. R. 17401) granting an increase of pension to John Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17402) granting an increase of pension to James B. Wilson—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 17403) for the relief of Lorenzo Browning—to the Committee on War Claims.

By Mr. CLAYTON: A bill (H. R. 17404) granting a pension to Mary Shiver—to the Committee on Pensions.

Also, a bill (H. R. 17405) granting a pension to Amanda Skinner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17406) granting a pension to Georgia Ann Vaughan—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 17407) granting a pension to Lillie P. Hinman—to the Committee on Pensions.

Also, a bill (H. R. 17408) granting a pension to Frank J. Winninger—to the Committee on Pensions.

Also, a bill (H. R. 17409) granting a pension to Sarah Ramsey—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 17410) granting a pension to Jane E. Sutfin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17411) granting an increase of pension to William H. Clark—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17412) for the relief of James H. Forsythe, executor of the estate of William Forsythe—to the Committee on Claims.

By Mr. SOUTHARD: A bill (H. R. 17413) granting an increase of pension to Kate O'Connor—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 17414) granting a pension to Patrick Dawson—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 17415) for the relief of the estates of J. J. Findley and Samuel Stephens—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 17416) granting an increase of pension to Joseph Jones—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of Brotherhood of Locomotive Engineers, Division 565, of New Castle, Pa., favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Petition of the mayor, common council, and 200 citizens of Lancaster, and common council of Richland Center, Wis., asking for the passage of Senate bill 909, for the extension of the free-delivery system—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWNLOW: Petition of Thomas Bradshaw, administrator of the estate of Thomas Patterson, deceased, of Grainger County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John Mathis, of Hamblin County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Resolution of Electrical Workers' Union No. 268, of Newport, R. I., in favor of the passage of the anti-injunction bill—to the Committee on Labor.

By Mr. BURNETT: Paper to accompany House bill 14903, granting an increase of pension to James A. Martin—to the Committee on Invalid Pensions.

Also, affidavit to accompany House bill 16354, relating to the claim of E. A. Gilleland—to the Committee on Claims.

By Mr. CAPRON: Resolutions of Providence City Lodge, No. 143, Order of B'rith Abraham, of Providence, R. I., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. DINSMORE: Paper to accompany House bill to correct the military record of Charles Phillips—to the Committee on Military Affairs.

By Mr. DRAPER: Resolution of the board of supervisors of the State of New York, urging the passage of House bill 15369, for the creation of a bureau of public roads to provide a system for the permanent improvement of the public highways—to the Committee on Agriculture.

By Mr. ESCH: Petition of retail druggists of Fairchild, Neillsville, Loyal, and Greenwood, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Resolutions of Salem Lodge, No. 270, Order of B'rith Abraham, against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. GIBSON: Paper to accompany House bill granting a pension to Lillie P. Hinman, of Knox County, Tenn.—to the Committee on Pensions.

By Mr. GRAHAM: Petition of the National Press Association, urging the passage of a law that second-class matter, when deposited for local delivery by letter carriers, shall be subject only to the pound rate of postage, to be prepaid as that is now prepaid—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Resolution of Local Union No. 127, International Union of Steam Engineers, Columbus, Ind., urging the passage of House bill 3076, for an eight-hour law—to the Committee on Labor.

By Mr. HAY: Petition of Samuel Loyd, of Shenandoah County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Abraham Miller, of Rockingham County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John Early, of Rockingham County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of William C. Simmers, of Rockingham County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Daniel Miller, of Augusta County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LINDSAY: Resolution of the board of supervisors of the State of New York, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

Also, resolutions of Meyerbeer Lodge, No. 115, Sons of Benjamin, Brooklyn, N. Y., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. PUGSLEY: Resolutions of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, resolution of Cigar Makers' Union No. 81, of Peekskill, N. Y., in favor of the passage of House bill 16457—to the Committee on Ways and Means.

Also, resolutions of local board of Morrisania, Twenty-fourth district, borough of the Bronx, New York City, in relation to the improvement of the Bronx Kills—to the Committee on Rivers and Harbors.

By Mr. REEDER: Petition of Methodist Episcopal Church conference of Cawker City, Kans., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. RYAN: Resolutions of the convention of supervisors of New York State, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. THOMPSON: Petitions of retail druggists of Roanoke, Wetumpka, Alexander City, Letohatchee, Haynesville, and Fort Deposit, Ala., in favor of House bill 178, for the reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of the National Fraternal Press Association, in relation to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, February 14, 1903.

The Senate met at 1 o'clock p. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

RECEIPTS AND EXPENDITURES IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting a statement of the receipts and expenditures in the Philippine Islands from August 20, 1898, to June 30, 1902, etc. There is a very large number of papers accompanying the communication and the Chair suggests that they be referred to the Committee on the Philippines without printing and with an order to print. There being no objection, it will be so ordered.

BUILDING FOR THE DEPARTMENT OF AGRICULTURE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting a letter from the Supervising Architect of the Treasury submitting an estimate of appropriation necessary to carry into effect the law authorizing the erection of a new building for the Department of Agriculture, approved February 9, 1903; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REGULATION OF COMMERCE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7053) to further regulate commerce with foreign nations and among the States.

The amendments of the House of Representatives were:

On page 1, line 9, after "shall" to insert "also;"
On page 4, line 23, to strike out "it shall be authorized to present;"
On page 4, line 23, after "petition" to insert "may be presented;"
On page 5, line 18, after "States" to insert "whenever the Attorney-General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission;"
On page 6, line 11, after "person" to strike out "corporation;"
On page 6, line 13, after "he" to strike out "or it;" and
On page 6, line 14, after "proceeding" to insert:
"Provided, That the provisions of an act entitled 'An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted, approved February —, 1903, shall apply to any case prosecuted under the direction of the Attorney-General in the name of the Interstate Commerce Commission."

Mr. CLAPP. On behalf of the Committee on Interstate Commerce, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CRUMP.

Mr. BURROWS. Mr. President, I desire to give notice that at the close of eulogies to-day upon the life and character of AMOS J. CUMMINGS, late a Representative from the State of New York, I shall submit resolutions commemorative of the life and character of ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I desire to give notice that at the daily session of the Senate hereafter, during the present Congress,

immediately after the conclusion of the morning business, I will move to proceed to the consideration of what is known as the statehood bill. I give the notice in order that I may not come in conflict with notices by others Senators.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2053) making Chester, Pa., a subport of entry; and
A bill (H. R. 6714) for the relief of Alexander S. Rosenthal.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Dover, N. H., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. McCUMBER presented a petition of the National Live Stock Association, of Kansas City, Mo., praying for the adoption of an amendment to the bill relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. PLATT of Connecticut presented a petition of sundry citizens of New Haven, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS presented a petition of Local Union No. 127, International Union of Steam Engineers, of Columbus, Ind., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of Local Union No. 33, Cigar Makers' International Union, of Indianapolis, Ind., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. BURTON presented a petition of the Ministerial Alliance, of Leavenworth, Kans., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Army; which was referred to the Committee on Military Affairs.

He also presented the petitions of C. E. Jewell and sundry other citizens of Osborne County; of E. E. Booker and sundry other citizens of Mitchell County; of F. H. Quitland and sundry other citizens of Smith County, and of C. W. Talmadge, of Rooks County, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

STATEHOOD BILL.

Mr. GALLINGER. Mr. President, I present the address of Hon. W. B. Childers, retiring president of the New Mexican Bar Association, delivered at the seventeenth annual session at Santa Fe, N. Mex., January 12, 1903; also a letter from ex-Governor Prince, published in a recent issue of the New York Tribune, and a brief editorial from the World-Herald, of Omaha, Nebr., of Friday, January 23, 1903, in reference to the admission of the Territories to statehood. I ask that the papers may be printed as a document.

Mr. BEVERIDGE. Mr. President, I do not know that I shall make any objection to the request, but I hope the Senator will not press it now, because if editorials and articles of that kind are going to be put in the RECORD or printed as a document, then it will necessarily require the printing of other editorials. I hope the Senator will not press the request right now.

Mr. GALLINGER. I wish the Senator would object or not. I shall press the request. I ask that the order be made.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the papers to which he refers be printed as a document.

Mr. BEVERIDGE. I do not know that I will object later in the day, but just at the present moment I shall object, because I want to talk with the Senator about it.

Mr. GALLINGER. Then I move that the papers be printed as a document. I will say—

Mr. BEVERIDGE. I am perfectly willing for the Senator to have the papers printed as a document if he is not willing to withhold his request long enough for us to have a conversation about it. I do not think I shall then object, but—

Mr. GALLINGER. I will say that these papers are entirely respectful and such papers as I would like to have the privilege of sending to some of my constituents. I have never raised an objection to a respectful request to have any respectful matter